

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. MINTON in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Charles J. Maxcy, of New Jersey, as Director of Finance and Accounts Division of the United States Housing Authority, which was referred to the Committee on Education and Labor.

EXECUTIVE MESSAGE REFERRED

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were ordered to be placed on the Executive Calendar.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state, in order, the nominations on the Executive Calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters on the Executive Calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until tomorrow, Friday, April 8, 1938, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate April 7 (legislative day of January 5), 1938

UNITED STATES HOUSING AUTHORITY

Charles J. Maxcy, of New Jersey, to be Director of Finance and Accounts Division of the United States Housing Authority.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 7 (legislative day of January 5), 1938

POSTMASTERS

ALABAMA

Samuel J. Sanders, Fayette.
James L. Day, Hartselle.
James R. Moody, Russellville.
Roy G. Carpenter, Winfield.

OKLAHOMA

Mary B. Weathers, Grove.
Laura L. Bennett, Mountain Park.
James T. Norton, Nowata.
James McK. Williams, Walters.

TEXAS

James O. Allen, Arp.
Prentice A. Hayes, Barstow.
Marvin A. Anderson, Cleveland.
Frederick M. Faust, Comfort.
Albert A. Allison, Corsicana.
Jack B. Kerr, Cotulla.
Oscar W. Koym, East Bernard.
Warren C. Fargason, Hermleigh.
Lucie Hill, Hull.
Edwin D. Holchak, Kenedy.
Carl W. Amberg, La Grange.
Willie L. Nelson, Mount Vernon.

Mae Whitley, New Waverly.
Mabel B. McConnico, Port Lavaca.
Mills Awbrey, Presidio.
William P. Lawrence, Quitman.
Theodore M. Herring, San Angelo.
Clyde Griffith, Sanderson.
Edgar F. Bonorden, Sinton.
John L. Brunner, Taylor.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 7, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed be the name of the Lord our God, who is the inspiration of every good and perfect thought. We pray Thee that the words of our mouth and the meditations of our hearts may be acceptable in Thy sight; bear with us and renew a right spirit within us. We thank Thee for the wisdom and the knowledge which have come down to us from the mighty past. As noble deeds never die, inspire us to thus work and live for the generations to come. We pray Thee to keep us from all misunderstandings and misapprehensions; allow not the din and dust of controversy to retard wise progress. Remind us these days, our Heavenly Father, of the final scenes of our Savior. Let His voice be heard in all hearts: "He that doeth the truth cometh to the light." Almighty God, enable us to speak the brave word, do the brave deed, and live the brave life, and Thine is the praise forever. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9621. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1939, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2206. An act to provide for the transfer of enlisted men of the Coast Guard to the Coast Guard Reserve.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9995. An act making appropriations for the Military Establishment for the fiscal year ending June 30, 1939, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House thereon and appoints Mr. COPELAND, Mr. HAYDEN, Mr. THOMAS of Oklahoma, Mr. SHEPPARD, and Mr. TOWNSEND to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 112. An act for the relief of O. W. Waddle;

S. 283. An act for the relief of Mrs. J. H. McClary;

S. 2022. An act for the relief of Lt. V. Balletto, and others;

S. 2091. An act for the relief of Ada Saul, Steve Dolack, the estate of Anthony Dolack, and Marie McDonald;

S. 2138. An act for the relief of Nelson W. Apple, George Marsh, and Camille Carmignani;

S. 2261. An act for the relief of Scott Hart;

S. 2378. An act for the relief of Sam Green;

S. 2427. An act for the relief of the estates of Al Cochran, Willis Cochran, and Russell Cochran, and for the relief of Shirley Cochran and Matilda Cochran; and

S. 3130. An act for the relief of W. O. West.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1939

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9621) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1939, and for other purposes, with Senate amendments, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask my colleague the chairman of the Appropriations Committee, also chairman of the subcommittee, this question: In looking over this appropriation bill this morning as it came from the Senate, I find that out of 106 amendments attached to the bill by the Senate 75 are increases in the amount of appropriation amounting to millions and millions of dollars. There is only one reduction, an item which is reduced from \$15,000 to \$5,000, an amount that is supposed to be paid to a State, a measly little change. I would like to know whether the conferees to be appointed by the Speaker are going to go into this conference with the idea that we shall try to hold to the House bill?

Mr. TAYLOR of Colorado. I may say in answer to the gentleman from Pennsylvania that I expect to call a meeting of the entire subcommittee on the Interior Department appropriations and go over these amendments before we meet in conference, and I am going to ask the entire membership of the subcommittee to be put on this conference committee so the gentleman from Pennsylvania will be one of the conferees that will handle the matter.

Mr. RICH. I will say to my colleague from Colorado that if you are going to have the eight members of the subcommittee appointed, it does not look to me like a conference—it looks to me like an agreement.

Mr. TAYLOR of Colorado. Oh, no; there is not any agreement or anything of that kind.

Mr. RICH. That is what we had last year when we had up our Interior appropriation bill after we had gone over to the Senate and worked hard and agreed to all the Senate wanted, and if the same thing is going to happen this year, the gentleman can leave me off of the conference committee.

Mr. TAYLOR of Colorado. I am not responsible for what happened last year.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. TAYLOR of Colorado, JOHNSON of Oklahoma, SCRUGHAM, O'NEAL of Kentucky, FITZPATRICK, LEAVY, RICH, LAMBERTSON, and CARTER.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein a radio address I delivered last night.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

HON. HATTON W. SUMNERS

Mr. McLAUGHLIN. Mr. Speaker, by unanimous consent of the House my distinguished colleague and fellow member of the Judiciary Committee, Judge HOBBS, of Alabama, was last week granted 30 minutes in which to address the House today.

The gentleman from Alabama thoughtfully requested and secured the allotment of this time for the purpose of commemorating the twenty-fifth anniversary of the coming to this body of the Honorable HATTON W. SUMNERS, chairman of the Judiciary Committee. Judge HOBBS has been called home because of the lamentable death of his mother, and the

sympathy of every Member of the House goes out to him in this hour of sadness and grief.

Before leaving Washington the gentleman from Alabama, with his accustomed thoughtfulness and consideration, requested the Speaker to transfer his time to another member of the Judiciary Committee, in order that the tribute which he had planned might be paid to Judge SUMNERS. The Speaker has graciously granted the request and has recognized me for the period of time which was previously allotted to Judge HOBBS.

In view of the parliamentary situation today and after consulting with our Speaker, our leader and my colleagues on the Judiciary Committee, I shall not ask the time allotted to the distinguished gentleman from Alabama, but, instead, Mr. Speaker, I now ask unanimous consent to extend my remarks at this point in the RECORD and to include therein the remarks which Judge HOBBS intended and desired to make, with some additional observations of my own, and also a letter from the Vice President of the United States; and, in addition, Mr. Speaker, I ask unanimous consent that all members of the Judiciary Committee may have the same privilege to extend their remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. HOBBS. Mr. Speaker, today the Honorable HATTON W. SUMNERS completed 25 years of continuous service in this body.

In looking back over those well-filled years, we may not say that he has finished his course, for his star is still in its ascendancy and rising more rapidly than ever, but we may and do, with assurance, unite in testifying that he has kept the faith.

Today he argued before the Supreme Court of the United States in support of the constitutionality of the so-called Municipal Bankruptcy Act. Tonight he is to fly to Louisville to speak before the Kentucky Bar Association. Thus he goes, with the fire and zeal and zest of youth, but in the ripeness of experience and wisdom, doing far more than his duty as a Member of Congress and as chairman of one of the hardest working committees on the Hill—the Committee on the Judiciary. His profound grasp of the wisdom of the past geared to his mighty work toward the solution of the pressing problems of the present and the building for a greater future.

His wide reading and constructive meditation upon the proven truth, which he has made his own, have saturated him with the learning of the ages, yet he is as up-to-date as the latest edition of your favorite newspaper and as forward looking as a prophet.

The only things he does not know about today are that it is his congressional birthday and that we are celebrating it.

In him there is something of the height, rugged grandeur, and permanence of the mountains of his native Tennessee; the breadth of the prairies of Texas, the State which gave him to the Nation, and honored herself by honoring him.

Like the wells gushing black gold, which have not only made Texas rich, but evidence stored riches in reserve, his mind is deep, its output enriching, and its store of riches practically inexhaustible.

Born in Lincoln County, like Lincoln and so many other great minds, his is not the education of the classroom. Few have read more from the printed page, but his profound knowledge of humanity, its behavior, its institutions, and its thought has come not only from his mastery of the books in libraries but also from continuous study of the book of life.

His birthplace was near Fayetteville, Tenn. His father was an officer in the armies of the Confederacy, an upstanding, honored citizen. His mother also was superior and noted for her sweetness, mentality, poise, and character. Before he reached majority financial reverses overtook the family. They moved to Texas and settled in Dallas County. His formal education stopped with less than a year of high school. Working in a store by day, he studied at night.

Reading law in a law office, sleeping in the library, he spent much time therein—not in sleep. With a ravenous appetite for knowledge he ate the principles of the law from those books, digested this diet, and built its contents into a retentive memory. So well did he employ the time he has spent with lawbooks that Chief Justice Taft called him "the best lawyer in the House of Representatives."

Out of his meager earnings in those early days he had to support himself and his family. From this experience he learned at least one priceless lesson, which too many of us never even study, the value of a dollar. While he is generous, he has never become a waster. He is particularly zealous in husbanding funds of others entrusted to him for spending. For instance, since he has been chairman of the Committee on the Judiciary, the House has authorized some eight investigations to be made by that committee and has appropriated \$35,000 to cover the cost of these investigations. The investigations have been made, the work well done, but he has turned back into the Treasury more than half of the total amount appropriated.

So marked has been his practice of stringent economy in spending such funds that the members of the committee love to tell this story: An old colored panhandler of his acquaintance stopped him one day and said, "Good mawnin', Mr. Hatton. Sure is glad to see you. Yo' ain't got a quarter for the old nigger, has yo'?" Judge SUMNERS began running his hands through his pockets, and after he had completed his search replied, "I declare I did have a quarter, but I don't seem to be able to find it right now." The Negro rejoined, "Wal, Mr. Hatton, please, suh, look again, 'cause if you had it you still got it!"

He was admitted to the bar and began the practice of law in Dallas, Tex. When he was 24 years old, he was elected prosecuting attorney of Dallas County and served two terms. In 1906 and 1907 he was president of the District and County Attorneys Association of Texas.

He was first elected Representative at Large from the State of Texas in 1912. Two years later, after the State had been redistricted, he was elected to represent the Fifth District, in which service he has continued ever since.

While loyal to his southern heritage, he has never been a professional southerner. On the occasion of the ninety-eighth anniversary of the birth of General Grant, he delivered an address in the House in which he paid tribute to General Grant for his aid and attitude of fairness to the South in those darker days which succeeded the dark and bloody days of the sixties.

Judge SUMNERS was one of the very first men to appreciate and point out that the prosperity of the city man depends upon the prosperity of the farmer. His first important address in the House gave exposition and emphasis to this fact. This speech was made in 1913, but long before then, and ever since, he has been the ardent champion of the cause of agriculture. In 1921 he was made chairman of a congressional committee on cotton, composed of two Senators and himself. It is generally conceded that the work of this committee was instrumental in avoiding a disastrous panic which was then threatening. For years he wrote much and studied broadly upon the problems of agriculture. These studies took him to Europe repeatedly, for the purpose of making comparative studies in this field.

Ever since the first of the so-called antilynching bills was introduced in Congress, Judge SUMNERS has been one of the outstanding opponents of this proposed legislation. Like every enlightened person who knows the problem at first hand, he has always taken the highest ground in his opposition. He has never made any attempt to justify lynching but to the contrary his only thought is to seek to preserve the only force which can possibly prevent it—local community sentiment. His other great emphasis in the discussion of this question has always been:

That document over in the Congressional Library is not the Constitution of this Nation. It is a body of organic law adopted by the people. However, beneath that document, beneath its words, is the Constitution of a living government. Our Government, by its nature, is built upon the people. Our real Constitution is a living

thing. It is rooted in the governmental concepts of the people. Unless it is sustained by their governmental capacity it falls. By its nature our Government is pyramidal in its shape. It starts with the individual and builds up through the community, up through the States, to the capstone, which is the Federal Government. By its nature—I mean by the nature God Almighty gave it—it functions from the bottom upward. Neither can we stand this pyramid on its point. The members who sat in the Constitutional Convention did not try to do it. Of course, they did not write the Constitution in a creative sense. It came through the ages, every provision originating out of necessity, tested and developed by experience among a people peculiarly gifted with the genius of self-government. No political philosopher suggested its provisions. No convention fashioned them. Back in the Germanic forests in the first century Tacitus looked in upon the people who afterward were known as the Angles and the Saxons. He saw the people gathered together to attend to the business of government. A leader submitted a proposition to them. If those people approved the proposition, they brandished their weapons. If they disapproved, they murmured, and that was the end of it. They, the people, spoke the voice of government. It was the voice of authority not from the top downward. It was from the bottom upward. You cannot make a government of a free people, our sort of government, function from the top downward. You cannot establish a great governmental overlord here in Washington, place the hand of superior authority above the voice of the elected representatives of the people, and perpetuate this system of government. It cannot be done. God Almighty in his knowledge and wisdom has devised the plan of teaching people how to do a thing by having them to do it. No people ever preserved the power of self-government except by exercising that power. They must govern or they lose the power to govern. That is fixed by a law of Nature universal in its application. I challenge the history of the ages for an exception. No people in all the history of the ages ever were able to operate a system of self-government who lost the ability to govern. Write it down, statesmen, today. Whoever, after the formative period of a government is finished, moves away from the people the necessity to govern, moves against the best interests of his government. All true progress after that time is in that direction which moves the opportunity and the necessity to govern closer and closer to the people.

Judge SUMNERS has been a member of the Judiciary Committee of the House for nearly 20 years and has been its chairman for the last 6 years.

When the far-reaching act of February 13, 1925, dealing with the jurisdiction of the Supreme Court, was before Congress, the Justices of the Supreme Court had a meeting and directed the Chief Justice, Mr. Taft, to ask Judge SUMNERS to take charge of the measure and put it through to passage. The bill was enacted, and Mr. Taft wrote Judge SUMNERS a letter in which he said:

Without the time you spent on the bill to familiarize yourself with its provisions, and the influence you exerted among your colleagues to prove its usefulness, I do not think it would have been possible to get the measure through.

Whenever the constitutional rights and powers of the legislative branch of the Government are brought into question his colleagues turn to Judge SUMNERS for counsel. In 1923 a Member of the House refused to obey a subpoena to appear before a House committee, and claimed his constitutional privilege of exemption from arrest. Judge SUMNERS wrote a brief holding that the Member possessed no constitutional privilege or other legal excuse which exempted him from obeying the subpoena. When a similar case arose in New York a few years later Samuel Seabury, counsel for the joint legislative committee, had the Sumners brief printed in full and filed with the court of appeals as part of his argument, referring to it as "the best review of the subject which we have been able to find."

On four occasions Judge SUMNERS has been called upon to represent the legislative branch of the Government in cases before the Supreme Court dealing with constitutional questions affecting the Congress. These were the Pocket Veto case, the case which upheld the right of the President to sign bills within 10 days after a final adjournment of Congress, the case upholding the right of the Senate to punish for destruction of evidence subpoenaed by a Senate committee, and the present case challenging the constitutionality of the municipal bankruptcy law.

Judge SUMNERS is the only man, living or dead, who has represented the House in three impeachment trials before the Senate of the United States. His research on the law of impeachment and his thought on that subject has resulted

in general acceptance of impeachment as a civil ouster proceeding rather than a criminal trial. He is author of a bill, which has passed the House, which would establish a court to try the issue of good behavior with reference to the conduct of United States district judges. This will provide the House with an alternate way of procedure, of course, without changing the impeachment method of removal in the slightest degree.

Judge SUMNERS introduced and put through to final enactment after a 7-years struggle an act changing the method which had been followed since Washington's first administration of bringing to the Capital the returns of Presidential electors. Prior to the passage of this act after each Presidential election special messengers brought these returns to Washington from each State, at a cost of tens of thousands of dollars to the Government. Now, under his act these returns are sent to Washington by registered mail with the utmost safety and at not a cent of cost to the Government.

He is author of the Crime Compact Act, which authorizes States to enter into compacts for cooperative action for suppression of crime, and under which great progress is being made.

Author also is he of the act passed at the first session of the present Congress which provides for the appearance of the Attorney General in cases between private parties in which the constitutionality of an act of Congress is attacked for the purpose of defending the constitutionality of the act, and providing a direct appeal to the Supreme Court in such cases.

The Sumners Act of March 1, 1937, extending the privilege of voluntary retirement to Justices of the Supreme Court, is just another one of his legislative victories.

Early in Judge SUMNERS' legislative career he expressed a wish which he has been enabled to fulfill about as nearly as wishes ever become accomplished facts:

There are two things I would like to do. I would like to take the strut out of statesmanship, and bring the Constitution within the comprehension of the average person.

That part of his expressed desire to take the strut out of statesmanship has been exemplified by Judge SUMNERS in every step of his daily walk through the shifting scenes, the pomp and circumstance, where his rich life has led. Always modest and retiring, his wit and keen sense of humor making him a delightful companion; he has never struck a pose in his life. Peaceful and peace loving, he is a lion in attack when championing a cause. But like an ocean, his calm, untroubled depths remain unperturbed though storms may rage. He makes friends and holds them, by being a most worthy friend.

One night when he, the late lamented and beloved Randolph Perkins, and I had worked late on the Ritter case, we had a heated argument over some detail of pleading or procedure now forgotten. We were in the committee room overlooking the plaza. It was raining. The argument over, conclusion reached, Judge SUMNERS sat for a moment looking out into the rain. "Boys," he said, "are we not funny, getting all het up over such little things? We are just little microbes strutting around on a clod of dirt and we would be tickled to death to think that they might put us out there in that rain, astride of a bronze horse."

So we bring to a close this sketch with a bit or two of his philosophy, a word or two of his achievements, a few glimpses here and there of the man:

It matters not how fair the vow,
How eloquent the spoken creed,
Their beauty's but a tinsel show,
Beside the grandeur of a deed!

In memory we stand today and review a quarter of a century packed with deeds. But when the doer of deeds makes good on his every vow and the life he leads is more eloquent of his faith in God and his fellowmen than any creed, yea, verily, there is one whom we should never be too busy to pause and honor. HATTON SUMNERS, once of Tennessee, then of Texas, but now of the Nation, is such a man. Mentally magnificent! Morally as clean as the driven snow! Socially charming! And a friend of friends!

Spiritually worshipful and faithful! A foursquare man, conquering and to conquer, not for self but for the people he knows and loves!

Mr. McLAUGHLIN. Mr. Speaker, as a member of the Judiciary Committee I am happy to join with the distinguished gentleman from Alabama and other colleagues on that committee in extending to our most worthy chairman sincere congratulations upon the completion of a quarter of a century of service in this assembly. The period during which Judge SUMNERS has sat as a Member of the House is one of the most colorful and most dramatic in the whole history of the Congress. During that span of years momentous social, economic, and political changes have taken place which have affected vitally the lives of millions of people all over the world. Many of these changes have come about through the unprecedented advances in the arts, the sciences, and as a result of inventions. Unfortunately many of them have come about through force and violence. The latter element has materially changed the political map of the world and may bring about further changes in the not far distant future. During this period democracy has suffered setbacks to a probably greater extent than during any similar period of time in the history of the world, and the rule of the dictator has been substituted for the rule of the people in many quarters of the globe.

In recent years the United States of America has stood out in strong relief against a background of States which have adopted dictatorial rule as a substitute for democracy, and our country today is the laboratory in which is being tested the permanency and feasibility of democracy under present-day economic and social conditions.

It is more than a mere coincidence that through this critical period there has been current in the Congress a dominant sentiment in favor of strict adherence to the democratic institutions provided for in our constitutional charter. It is of more than passing significance, in connection with the maintenance of our democratic institutions and our democratic form of government, that men have served in this body in high positions who have fostered and sustained a spirit of allegiance to our traditional democracy both in form and in substance.

HATTON SUMNERS is an institution in the Congress. He stands for American ideals of government and for adherence to the fundamental principles of self-government enunciated by the framers of the Constitution in the immortal document which is their handiwork. Judge SUMNERS has the habit which commends itself to thoughtful statesmen of applying to every legislative proposal the test of conformity with the plan and system of our Government. With uncanny ability he can reach the heart of a legislative proposal as quickly as any Member of Congress with whom it has been my pleasure and privilege to associate, and discern with a remarkably developed sense of accuracy whether that proposal in its fundamental concept and purpose has the ring of soundness or falsity. I do not mean to indicate that Judge SUMNERS reaches legislative conclusions without deliberation. Quite the contrary. But I have been impressed with the fact that some force within Judge SUMNERS' nature enables him at the outset of consideration of a proposal to discern whether a proposal is fundamentally sound or unsound; whether it is capable of being worked into proper and constructive legislation, or incapable of being transformed in such a way as to fit into the traditional pattern of our national legislative fabric.

One of the outstanding characteristics of Chairman SUMNERS is that which is marked by his faith in the ability of the average citizen to govern himself. This confidence in his fellow men forms the basis of the philosophy of our worthy colleague.

He has often given expression to the thought that it is a laudable and eminently desirable practice in the course of study of governmental questions to resort to recorded history and to the written works of qualified men. This practice he follows and heartily approves but he has repeatedly stressed the virtue of the homely practice of the study of humanity and the exercise of deep human sympathy. He has often

stated both in private conversation and in public address and on the floor of this House, that the views and aspirations of the average citizen untrained in the arts and sciences should be studied and considered and given weight by lawmakers in reaching their conclusions on legislation and that these views and sentiments based upon humanitarian and spiritual considerations are often of greater value as a contribution to the welfare of humanity than the cold written words of the eminent logician. Mr. SUMNERS has repeatedly stressed the point that the capacity of the citizen to govern himself is the yardstick by which a true democracy may be measured, and that it is only as the citizen develops a capacity to govern himself that he is able to secure that measure of liberty which it is possible for a democracy to afford to its citizens.

The conduct of the affairs of the Judiciary Committee probably forms the highest tribute which can be paid to HATTON SUMNERS. Entrusted to that committee are legislative proposals of highly controversial character. Many bills submitted to the committee involve considerations which are calculated to arouse fierce controversy. The fact that such matters are considered in the Judiciary Committee without acrimony and without undue partisanship is the result in no small measure of the tolerance and fairness of Chairman SUMNERS. This tolerance enables debate to be conducted on a basis of merit and with a minimum of prejudice. It is further to the credit of Chairman SUMNERS that in spite of fierce debate and clash of opinion in the Committee on the Judiciary, induced perhaps in no small degree by the fact that each member of the committee is a lawyer and of necessity has a background of controversy in his chosen profession, the morale of the Judiciary Committee is outstandingly high and the personal relationship of the members of the committee among themselves and with the their chairman, is marked by cordiality and good fellowship.

With my colleagues on the committee I join in congratulating HATTON SUMNERS upon the completion of 25 years of service in the House, and I congratulate the House upon the fact that it has been privileged to have within its membership during the past 25 years, our esteemed and distinguished colleague whose silver anniversary we are celebrating today. I hope that he may continue for many years to lend his wisdom, philosophy, humanitarianism, and plain common sense to the solution of the problems presented to the House of Representatives of the United States.

THE VICE PRESIDENT'S CHAMBER,
Washington, April 6, 1938.

Judge SAM HOBBS,
The House.

DEAR SAM: You may say for me that HATTON SUMNERS is an honest man, an intelligent man, and an unselfish, hard-working man—it is that kind of a man who is a statesman.

It gives me pleasure to join with his other friends in this celebration and wishing him continued health, happiness, and usefulness.

GARNER.

Mr. HANCOCK of New York. Mr. Speaker, the gentlemen from Alabama [Mr. HOBBS] and from Nebraska [Mr. McLAUGHLIN] have done a kindly and gracious thing in taking the time of the House, even on this busy day, to pay deserved tributes to the character and attainments of the chairman of the Judiciary Committee of the House [Mr. SUMNERS of Texas] in commemoration of the twenty-fifth anniversary of his entrance into this body.

As a member of the Judiciary Committee for several years, it has been my privilege to sit at his feet and hear his wise and patriotic counsel day after day. He has been patient, tactful, and unfailingly courteous during many trying moments. He has earned and he has the respect and admiration of all of us for the qualities of his great mind and the contributions he has made in the Nation's councils. I regard him with affection as a great statesman, jurist, gentleman, and friend. I congratulate him on his long and useful service and wish him well always.

Mr. TOWEY. Mr. Speaker, there are few men who have had the privilege of serving in the House of Representatives that have not felt that among the greater things of the ex-

perience have been the friendships which we have made, not for the hour or the day but for all of our lives yet to come, and of all the men in Congress of whom I have the privilege of calling friend there is none of them for whom I have greater love and respect than the distinguished chairman of the Judiciary Committee of the House, the Honorable HATTON W. SUMNERS.

Having been selected for the Judiciary Committee during my first year in the House, I found that his help and friendliness and unselfishness in the days of my apprenticeship were always an inspiration and a help. Of his personal help, guidance, and friendship outside of the committee I can only say with words of inadequacy my thanks and gratitude, but far beyond the personal I have come to know and respect Judge SUMNERS for the man that he is and to appreciate the constructive and honorable service that he has rendered to his Nation during his 25 years of service in the House of Representatives. Observing his activities as chairman of the Judiciary Committee I can truthfully say that he has but one standard, and that is what will be the effect of the proposed legislation upon America and its institutions; and if it is destructive of those ideals, no one ever has to doubt where Judge SUMNERS stands.

There are few men in the House of Representatives with a broader or more comprehensive understanding of the fundamental problems confronting our Nation today, and there is no man who with greater courage is prepared to face them without regard to personal or political fortunes.

Judge SUMNERS believes in democracy and American institutions with a faith that is inspiring to those who have enjoyed the high privilege of sitting at his feet and listening to his philosophy that has a firm root in the belief that God is the creator of man and that God has laid down the rules that govern the life and destiny of man.

With a love and deep admiration for this truly wonderful character, I hope that God will give him strength and health to continue to serve America in the trying days yet to come. For, after 25 years, in retrospect one can truthfully say that HATTON SUMNERS has been a credit to his God and to his country.

Give us men!
Men who when the tempest gathers
Grasp the standard of their fathers
In the thickest fight;
Men who strike for home and altar,
Let the coward cringe and falter;
God defend the right!
True as truth, though low and lonely,
Tender as the brave are only
Men who tread where saints have trod,
Men for country, home, and God;
Give us men—I say again,
Give us such men!

Mr. GUYER. Mr. Speaker, on this, the twenty-fifth anniversary of the entrance of the Honorable HATTON W. SUMNERS into the House of Representatives, I take peculiar pleasure in adding my humble tribute to the incomparable personal character and the Nation-wide recognition of the superlative statesmanship and legal learning of the chairman of the Committee on the Judiciary.

As the ranking Republican on the Committee on the Judiciary I have the amplest opportunity to judge the learning and wisdom of the great chairman of this powerful committee of the House. The chairman of this committee understands the great power reposed in his hands by reason of his position yet I have never known him to arbitrarily take advantage of his position to determine the policy or action of the committee. On the other hand, he adopts the most liberal attitude possible for the most tolerant expression of the opinion of his committee irrespective of political affiliation or of political opinion. This, I am sure, is the reason that it is universally said of this committee at this time that it is as far as humanly possible without partisan politics, as it should be.

The chairman of this committee is recognized by all who know him as one of the outstanding lawyers of the country—as former Chief Justice Taft asserted—the greatest constitutional lawyer in the Congress; and it is my opinion

that his fame will rest upon his superlative services as a guardian of the Constitution both in the committee and upon the floor of the House. His profound knowledge of the law and its sources in Anglo-Saxon history has preeminently qualified him as a champion of the spirit of Anglo-Saxon institutions and of the sacred rights of the individual as imbedded in our institutions which came from our Anglo-Saxon progenitors. In his great address to the House on July 13, 1937, an address that is comparable to the great addresses of Webster, Calhoun, and Clay in the first half of the nineteenth century, he said:

We know as a people, as a nation, we are at the cross roads in America. Soon we must determine whether or not we are going to preserve Anglo-Saxon institutions in this country or join the other nations of the earth under a dictator.

Then followed a speech that sounded the death knell of any hopes of controlling the decisions of the Supreme Court through any form of packing its membership. It was a classic defense of the fundamental ideals upon which our American institutions were founded. It was such a speech judged by its excellence and its effect upon the destiny of the country as is not made more than once in a half century.

But in his personal contact with members of the committee he reveals his deep and sincere humanity. Every member of the committee is his devoted friend and each in turn rewards him with unfaltering loyalty and sincere love and friendship.

Personally, there is no member of my own party of whom I would sooner ask a favor, knowing that if within his power he would grant it. I am sure this feeling is shared by every member of the Committee on the Judiciary.

Mr. CHANDLER. Mr. Speaker, permit me to join in the general rejoicing over this happy anniversary. The distinguished chairman of the House Committee on the Judiciary not only holds the affection of the members of the committee over which he presides with skill and suavity but he occupies a unique place in the hearts of all his colleagues in the Congress, and justly possesses the respect and confidence of the people of America. May he continue to serve his congressional district and the Nation and enjoy good health for another quarter century.

Mr. MICHENER. Mr. Speaker, a quarter of a century is a long time. I am happy to felicitate the distinguished chairman of the Committee on the Judiciary, the Honorable HATTON W. SUMNERS, of Texas, on having served in the Congress of the United States continuously for that period. This has been a rich experience, and I am sure the gentleman from Texas has made the most of it. Few similar periods in our history have witnessed so many changes throughout the world; changes in geography, changes in economics, and, I think I am safe in saying, changes in the way men and women think. Always a student, with broad vision and an abundance of ability and tolerance, our friend has so equipped himself that his views and his utterances receive profound respect throughout the entire country. Of the 435 Members in the House, but 4, with continuous service, who entered on April 7, 1913, remain. They are the gentleman from Texas, Mr. SUMNERS; the gentleman from Texas, Mr. RAYBURN; the gentleman from Massachusetts, Mr. TREADWAY; and the gentleman from Michigan, Mr. MAPES. We are proud to hail this group as distinguished colleagues, and the most that I can wish for my chairman and for the other members of the group is that they may be here to receive the plaudits of the House 25 years hence.

Mr. HEALEY. Mr. Speaker, this day marks the twenty-fifth consecutive year of the service in the Congress of the United States of HATTON W. SUMNERS, chairman of the House Committee on the Judiciary.

During my service here for the past 5 years as a member of the House Judiciary Committee, I have been closely associated with him and can readily understand the deep affection his district must bear toward him. His profound knowledge of the law and his intensely human qualities have endeared him to those who have had the privilege of serving with him on that important committee of the House.

Always patient, kindly, and courteous, even under the most trying circumstances he has never allowed himself to be stampeded nor allowed sharpness to enter where calm reason should prevail. Possessed of a rare and refreshing sense of humor, he has expressed in homely idiom the thoughts of a deep and scholarly mind tempered by sound common sense. Whenever he speaks in the House, he can be sure of a generous audience of his colleagues in this House who have so often found delightful his sound treatment of involved and complex matters in simple, picturesque language.

Because of the years of experience which he has had—experience which is so necessary in these critical times—and because he possesses in such abundant measure the attributes that are essential to a legislator and statesman, it is my wish that his service in this body may be continued for many years to come.

EXTENSION OF REMARKS

Mr. FERGUSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including the testimony given before the Committee on Reciprocity as a member of a committee of three that was appointed by the Western States to testify before that committee.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. STACK. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. STACK. Mr. Speaker, I understand our friend Charley West is around the Capitol today. Now, I do not know what he is doing, but I do hope he is not doing what they accused me of doing to Jack Kelly—giving him a Mickey Finn, whatever that means. [Laughter.]

EXTENSION OF REMARKS

Mr. MAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an address delivered by the Assistant Secretary of War, Mr. Johnson, at the Army Day banquet last night.

The SPEAKER. Is there objection?

There was no objection.

Mr. WENE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial from my local paper.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. DISNEY. Mr. Speaker, when a member of a political party takes a position opposite to the leadership of his party, he usually does so under compelling reasons. That is my situation. Fairness to those with whom he disagrees requires that one taking such a course shall state his reasons.

The vote arises today on the motion to strike out the enacting clause of the Senate bill 3331. This Senate bill is now too universally despised here and in the country for any Member of the House to take chances with it. No one on the floor of this House has defended it, and many Senators who voted for it are making excuses for doing so. The press and the people are up in arms against it. I shall vote for the motion to strike out the enacting clause.

It has been charged that false propaganda has been used to defeat this bill and to discredit the President. I do not believe that to be true in any great measure. I see no evidence of it. On the contrary, the telegrams that have come to me have been in large part from ardent old-time Democrats. They are not all from the metropolitan centers, but have come from the small townspeople, farmers, and workers.

One of the most reasonable communications which I have received comes from an old-time Tennessee Democrat, who has never voted the Republican ticket. I quote him:

It would be heartening to see the House defeat the bill, not that I consider it nearly as serious as some of the opposition make believe, but to somewhat stimulate the confidence of the people in our Government. I am sure there is a widespread fear throughout the country that we are headed for that degree of centralized government that amounts almost to a dictatorship and it would be of good psychological effect to defeat that bill entirely.

This appears to me to be well-considered judgment.

Then comes a letter from a Democratic county chairman, who said:

At present it seems to me that reform or New Deal measures should be held in abeyance and instead attempt to bring the country out of the present recession—if not brought about the Democratic Party will have to fight in 1940. Attention to certain tax measures would seem highly advisable at the present time.

I feel that politically it was not a wise thing for the Democratic Party to do and I also feel that it was not quite the thing to put so much power in an Executive's hands—even though we all have the highest regard and love for our present Chief Executive. Sometime—sooner or later—he will no longer be President and even now he has to depend on advisers who are very human and as human beings make a great many mistakes. It is giving too great a centralization of power in the executive branch in Washington. I can assure you that any address that Father Coughlin may have made has had no influence with me for I have not listened to any talks made by him. My wire was sent before his address was given and I happen to come from a long line of Protestants and I am a thirty-second degree Mason. I have been a loyal party man and understand the necessity of party allegiance but I also feel that all Democrats have a right to his or her conviction and there are a lot of us in this part of the State who think as I do.

From a farmer and a Democrat comes this message:

It is the general feeling in this section that the depression has lasted too long and our citizens are wondering why something isn't done to restore business confidence and bring back prosperity.

On the floor of the House I have heard the suggestion that dictatorship is involved scoffed at. Who has been discussing dictatorship? It has been on the tongue of every man, woman, and child who reads the newspapers for the last several years. The horrible examples of dictatorship in European affairs and the danger of even such a possibility in America has filled everyone with awe-struck terror. Both friends and foes of the administration have discussed the subject of delegation of power to the Executive. The President himself used the word "dictator" in a disavowal that any such intention existed in his thought. If the germ of this notion, correctly or incorrectly, has pervaded even the White House, how can we blame the people on the farm, in the offices, shops, and homes for thinking of and discussing the dangers involved in too great or further centralization of power?

It has been said that the people are ignorant of what the bill contains. Suppose that is true, which I deny; but they are not ignorant of their desires and instincts in fear of such a strong centralized government being set up, which, by some possibility, might get into the hands of a man or set of men as unscrupulous as the European dictators. That is what our people are afraid of.

In my judgment, this is no fight on the President. If that were the sole and only issue, I would respond and vote for the bill, for I am under the deepest obligation of friendship and respect for him. The personality of every President who ever sat in the White House has been an issue when legislation he desired has been proposed. Naturally the Republicans criticize him, as we Democrats criticized Harding and Hoover, and as they criticized Wilson and Cleveland.

But there is something more important involved here. We are not representatives of the executive department. We represent the people, all the people, not just the Democrats, but every shade of political opinion, and in that representation we should take heed of the thinking of the people at this time and not ignore what should be evident to everyone at this stage; namely, the turning of the thinking of the people against a further centralized government.

It has been said in debate that the proposed amendment would give the legislative branch more power over the Comptroller General's office than now exists. The trouble is that the people do not believe that, because they do not have the details in mind and they are confronted with the history of the Senate bill. Any attempt to amend or place the House bill into the Senate bill, with its defects and weaknesses, which, as I have said before, is now being apologized for by everyone, should be halted. If the Senate bill was good, why offer these palliatives in the form of amendments? Why not drive the thing through in its original form? Nobody dares to do so in the face of the temper of the people; so, in order to pass a bill of some kind, amendments are being offered, one of them admittedly unconstitutional, that the bill in some form may come out of the House and the measure thrown into conference. I ask you, after the conference, then what? Will it emerge with the hateful Senate bill? Who knows? We cannot take chances on that and my judgment is that the bill should be disposed of here and now by its defeat.

Mr. Speaker, my judgment is that this is no time to fly in the face of the people with this legislation. This bill is thoroughly branded with suspicion. Charges and countercharges, criminations and recriminations, the children of asserted misinformation and hate, are adding to the confusion of the public mind and destroying the confidence that is so sorely needed to overcome the economic depression that has overcome us. In my judgment, we should be devoting our time to the economic ills of the country, rather than to such political measures.

Reorganization can wait. What is the hurry? Where is the fire? The right thing done at the wrong time ceases to be the right thing. The instincts of the American people are a safeguard which will enable us to know when and how to move. This is not the time even to hint about giving more power to the Executive, especially when we view the long history of the Anglo-Saxon race to keep within the power of its representatives all the legislative functions of the Government.

In my opinion, pressing this bill is not even good sportsmanship but the sheerest obduracy. After a heated battle over it in the Senate, where it passed by the skin of its teeth, it is immediately catapulted into our midst in the House, which adds to the excitement and the real or imaginary terror of the people, creating confusion worst founded.

With the world gone mad, is it not time for America to sit steady and exercise wisdom, patience, sobriety, and all those other spiritual qualities that have made the pages of American history brilliant with achievement? Can we not say, in the words of another and greater One, "Suffer it to be so now," and lay aside the thing that is causing bickering, hatred, ill-feeling, and confusion throughout the length and breadth of the land?

Mr. MASON. Mr. Speaker, I have prepared a symposium consisting of excerpts from editorials and newspaper commentators that gives a rather complete picture of the problem presented this House in the reorganization bill now before us. Before presenting this symposium, however, I want to make a few introductory remarks of my own.

I feel assured that the passage of this bill even when modified, as we have been promised it will be, would create "new instruments of power which in the wrong hands would be dangerous." For that reason I am opposed to its passage even in its proposed modified form.

I am convinced that every Member of this House must realize by this time that the crux of the problem before us is whether this Congress is to retain the right by majority vote to veto any action the President may take under the provisions of the bill, or whether it shall require a two-thirds vote of the Congress to check any unwise, impulsive, or unwarranted action that may be taken by the President. The Wheeler amendment to be offered in substance by the gentleman from Wisconsin [Mr. BOILEAU] will settle this particular question in favor of a veto action by a majority of Congress.

However, even then the bill would still have two very bad provisions; one being title III, which emasculates the office of Comptroller General, and the other, title IV, which does irreparable damage to the civil-service system. We must not overlook these bad features that are to remain in the bill.

THE SYMPOSIUM

The first section of the symposium consists of excerpts taken from an editorial carried in last Sunday's New York Herald Tribune:

SIX LOST MONTHS

It is more than 6 months since the New Deal started the country downward in its present disastrous spiral. Every impartial expert agreed from the outset what should be done to save the country from a major depression. A large majority in House and Senate unquestionably agreed with these views.

Yet for 6 months President Roosevelt has halted all action. Too proud to admit error, too politically minded to place the salvation of the country before his prestige in the coming election, he has prevented all tax reform, every measure that might reassure business as to the future. Worse, he tried to start new bonfires of hatred and destruction, including demagogic rantings about monopolies. Finally, as the Roosevelt depression neared its climax, he tried to force his dictatorial reorganization bill through a reluctant Congress. . . . One of the most loyal and consistent of the President's supporters urges Congress to drop its reorganization bill nonsense and get busy to save the country. It avoids blaming the President for the delay. But it courageously admits the gravity of the situation. . . . For 6 months that leadership has selfishly and stupidly played checkers with its Corcorans and its Cohens, with its Jacksons and its Ickeses, while the recession has blazed up and spread into a major depression. Now is the time to notify the President that he is no longer the ruler of American destinies, that Congress intends to resume its rightful place as a coequal representative of the people. . . . The one important point is that Congress shall resume its independence. The Roosevelt depression was utterly unnecessary. It was forced upon a great and powerful nation by a series of measures which gravely alarmed the voters—beginning with the attack on the Supreme Court. It can be ended only by making it certain that Congress has ended the progress of President Roosevelt's drive for power for all time. This decision cannot be taken too soon or expressed too clearly.

The second section of the symposium consists of excerpts from an article in the Washington Star of last Sunday, written by Owen L. Scott:

LET US FACE THE FACTS

Neither the country, the Congress, nor the President is prepared as yet to face the facts and to act accordingly. Many of the Government's principal economists think that this failure to recognize facts underlies today's chaos in Washington and in the Nation. The facts are these:

1. More than 20,000,000 individuals, or about one-sixth of the Nation's population, on the basis of official estimates, are living from Federal, State, and local government relief of one kind or another.

2. More millions of individuals, wanting to work and able to work, are unable to find jobs and yet are not on relief.

3. Another 15,000,000 individuals, or about one-eighth of the population, are supported by the 3,500,000 employees of Federal, State, and local government. Pensioners add to this total.

4. The agricultural industry, supporting 30,000,000 individuals, or about one-quarter of the country's population, now looks to Government rather than to the once free-working economic laws to provide it with over-all controls and a measure of security.

5. A million workers in the railroad industry and their dependents are looking to the Government and not to bankers or industrialists to solve the problems of their industry and to protect their jobs. The same is true of half a million bituminous-coal miners, who have turned their problems and the problems of their industry over to the Government.

This means that at least one-half of the population of the United States now looks to the Government of this Nation rather than to private leadership and private business and finance for a solution to its problems.

6. Government credit, and not private credit, now does the bulk of financing for the farming industry. The Government holds \$3,000,000,000 worth of mortgages on city homes through H. O. L. C. and a billion and one-half dollars' worth on farm property through F. C. A. The Government has loans outstanding of approximately \$8,500,000,000, as contrasted with a total for all commercial banks in the Nation of \$16,000,000,000. These are facts that must be faced.

The third section of the symposium consists of a brief editorial taken from a Wheeling paper 2 weeks ago:

A BOLD GRAB FOR MORE POWER

The American people should understand just what is before them in the administration scheme to reorganize the Government machinery at Washington.

William Green, president of the American Federation of Labor, described the reorganization bill as "a broad and sweeping dele-

gation of congressional authority to the executive branch of the Government", to which Mr. Green, as a spokesman for labor, strongly objects.

In less polite terms, it is a definite step toward one-man control of public affairs.

Senator King of Utah suggests the measure should be labeled: "A bill to weaken the power of the legislature, to augment the power of the President, and to increase the cost of Government."

The first objection to this bill is the proposed grant of authority to Mr. Roosevelt to change most of the bureaus about at will. Instead of making Mr. Roosevelt merely the administrator of a carefully drawn plan of mergers in the interests of substantial economies, Congress would say in effect, "Write your own ticket." As Senators BYRD and WHEELER declare, no Congress has ever gone so far toward abdicating its authority over the governmental system.

The proposed ousting of the bipartisan Civil Service Commission in favor of a single official under Mr. Roosevelt's control is another brazen affront to the Nation. Under this arrangement the Civil Service Commission would lose all independent status and be turned over to the distributors of spoils. No intelligent citizen needs to be told what a travesty would result.

But even more serious from the standpoint of good government, if the administration succeeds with its plan, is the elimination or emasculation of the office of Comptroller General, now the sole check against illegal diversions of public funds. This would mean nothing else than outright surrender of the purse strings of the National Treasury by the elected representatives of the people, something undreamed of during all the years preceding the New Deal.

There is every warrant for killing this bill in its tracks. But what is to be said of a reorganization plan that will actually increase spending? Even Mr. Roosevelt admits that no economies can be expected, and as Senator KING further says, it "will result in the creation of many Federal agencies and add tens of thousands of names to the Federal pay roll." Can anyone doubt this statement in the light of the record of the past 5 years?

Instead of reducing the number of executive departments, this plan would add a new one, a permanent Department of Public Welfare. Is the country ready to accept this defeatist attitude?

Also is the country ready to have Congress further surrender its powers, to see the civil-service system discarded, and to say goodbye to the guardian of the taxpayers' money?

Mr. Speaker, in conclusion, I wish to warn this House that the Kniffin amendment providing for action by concurrent resolution will be adopted. Action by concurrent resolution as a check upon the President will be null and void. I believe the Kniffin amendment will be adopted, will be approved by a conference committee, and the bill with this provision included in it will be signed by the President, because section 428 of the bill, the separability clause in the bill, will protect the constitutionality of all the other provisions of the bill, when and if the Kniffin amendment is declared null and void. For that reason the Kniffin amendment is nothing more than a "come-along", an ear of corn on the end of a stick fastened in front of the nose of a balky mule. We should at least use plain common sense and support the Bolleau amendment instead of the Kniffin amendment.

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short editorial from the Paterson (N. J.) Call.

The SPEAKER. Is there objection?

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, the people of my congressional district seem to be aroused over the reorganization bill. I have received hundreds of postal cards, letters, and telegrams from all parts of my district from doctors, lawyers, merchants, preachers, farmers, and housewives, demanding that I vote against the measure, and I have received only one suggesting that I vote for it. This is as I expected, because the great majority of the people of my district, whether they be Republicans or Democrats, are real fundamentalists, so far as constitutional government is concerned. They believe in their Constitution as they do in their Bible, and they want no New Deal interpretation of either. They believe that our democratic form of government works best when each branch of the Government performs its own proper function. They are opposed to either branch taking over the functions of any other branch. They still believe in the checks and balances as provided in the three branches of our Government, viz, legislative, executive, and judicial, and they want those checks and balances preserved and not destroyed.

Last spring, when the President attempted to pack the Supreme Court, so as to control it, the people of my district protested vigorously, and now when he desires to take over more of the legislative powers of the Government they protest just as vigorously. In keeping with their requests I will vote against the reorganization bill, no matter how amended. I am still old-fashioned enough to believe in the American system of constitutional government, with its checks and balances. That system has stood us in good stead for 150 years, and I believe it to be our only salvation for the future. After 5 years of the socialistic New Deal I am more convinced than ever that we will never get back to "good times" until we junk all of the theories and experiments that have been foisted upon us by this New Deal administration and get back to fundamentals and allow each branch of the Government to perform its own proper functions.

Let Congress legislate, let the Executive execute the laws enacted by Congress, and let the judiciary pass upon the laws. Each doing its work without interference from the other branches. We became a great country under that system and we can continue to be great only under that system. The reorganization bill is an attempt to change that system and for that reason I am against it. So long as I am in Congress I will never vote for any measure that in my opinion attempts to reduce the powers of Congress and make the powers of the Executive greater. I am in full accord with the gentleman from Texas [Mr. LANHAM] when he says that, "This matter of reorganization is distinctly a legislative and not an executive function." If there is need for a reorganization of some parts of our Government, let Congress assume its proper responsibility and make the necessary changes and not turn the job over to the executive branch of the Government. During the debate on this measure I have heard it stated that Congress could not do the job. That seems a sad admission as to the ability of Congress to properly legislate, but perhaps it is true. The Members of this and the last two Congresses have turned over so much power to the executive branch, that perhaps they have forgotten how to function. However, Congress now has a chance to demonstrate to the country that it is still the legislative branch of the Government; that it is still able to perform the duties required of it under the Constitution; that it is composed of men and not mice. The country will applaud a real exhibition of legislative independence. As the gentleman from New York [Mr. O'CONNOR] said, "The greatest tonic that we could give the country would be the defeat of this reorganization bill." I think that he is correct. Nothing would restore confidence more than a showing by Congress that from now on it was going to perform its proper functions and that it was not going to delegate any more of its powers to the President. If it wanted to do a real job it should take back from the President all the temporary powers it has heretofore granted him and then the country would sit up and take notice.

The day that Congress would pass such a bill over the President's veto would go down in history as a second Fourth of July. It would certainly be a real declaration of independence. The proponents of this measure say that a vote against it is a vote against the President. Well, perhaps that is true. The President has been given more peacetime power than was ever granted to any President, and still he craves more power under the provisions of this bill. He wants what he is not entitled to and what no President is entitled to. It is the principle that I am voting against, not a person. It is said that the President got up in the middle of the night a short time ago to tell an unknown friend that he did not want to be a dictator. I do not know whether the unknown friend slipped down to Warm Springs unbeknown to the rest of the people of the country, and, like the devil of old, took the President in his flowing nightshirt up on the pinnacle of his bungalow and showed him all of the 48 States and the District of Columbia and offered him a dictatorship or not. Be that as it may, the President was a good scout and said that he did not want the job, and we will take him at his word. However, the best way to do is for Congress to play safe and keep

to itself all of its powers, and in that way we will know that there never will be a dictator, and we may as well start now by defeating this bill. There was no real need to bring this bill up at this time. There is no emergency. The people of the country are in no mood for this kind of legislation at the present time. The events in Europe during the past few weeks have made them jittery. They have witnessed governments in the past slowly going into dictatorships because the legislative branches from time to time gave up their powers to the executive branch of the government. They see in this bill the Executive grasping for more power. They are beginning to feel that it can happen here. The people are getting worried and are wondering if Congress can still be trusted. Congress can completely shatter such ideas and restore complete confidence by decisively defeating this bill. Now is the time for all good men to come to the aid of their country, not party.

Mr. RICH. Mr. Speaker, I want to read to you a letter I just received from a minister in Pennsylvania who realizes that we are going to lose our form of government and does not wish to have given to the President of the United States any more power. He knows that the President has too much power already. I quote:

I want to say, kill that reorganization bill, no matter how much it is pared. The man who once preached "That which we should most fear is fear itself" is sowing the seed that has resulted in the most widespread fear. I do not preach politics from my pulpit. I do personally, however, interview men. I asked businessmen, I asked preachers, I asked workingmen, why they do not speak their thoughts, and they have but one answer: Fear; espionage. One said to me, "Do you realize that every person in this town who writes a letter to a Senator or Representative, his name is taken down, and headquarters knows it immediately after it goes into the mail." I have a church of 600 members. What makes me believe the informant is right is but recently every W. P. A. worker in my church has made himself conspicuous by his absence; also the Government employees.

Kill that bill; the people are afraid. Kill it, no matter how much they pare it—fear, fear, fear.

Mr. FORD of California. Mr. Speaker, when a reasonable person analyzes the reorganization bill he wonders what all the hysterical opposition means.

It has long been recognized that there is great need of reorganization of the various agencies of the Federal Government. The major parties have recognized this in their political platforms. President after President has requested Congress for the authority to do this. But partisan opposition, combined with pressure from groups opposed to any change, have prevented action.

President Roosevelt has asked for the authority to group, coordinate, and consolidate Federal agencies in the interest of efficiency and economy.

This effort to eliminate overlapping and duplication of agencies has been seized by the minority and by the unfriendly press, supported by Wall Street, and made to appear as an attempt on the part of the President to seize power that properly belongs to Congress. Many well-meaning but uninformed people who have not read the bill have become honestly alarmed. They are writing to their Congressmen and imploring them to save this country from dictatorship.

Dictatorship! When Congress is not giving up any of its powers, when all that it is proposing to do is to authorize the President to do a needed piece of work by reorganizing the executive departments, when the bill specifically limits the authority to 2 years, and when any change made by the President can be overridden by a simple majority vote of Congress taken within 60 days of the Executive order. When read and understood, it is seen to be a nonpartisan move toward efficiency, with no taint of dictatorship.

WHO ARE THE DICTATORS?

Dictatorship! Yes, there is a danger of dictatorship in this country. The would-be dictators are the minority which has become so determined to block the will of the people as expressed at the polls, that it is resorting to outrageous misrepresentation, to concerted attacks on every suggestion made by the President and to paid propaganda intended to confuse and frighten the people.

In this group of would-be dictators who are determined to rule or ruin are the Power Trust and their bemused followers; the small but powerful group of industrial magnates whose strike against taxation is largely responsible for the recession; the economic royalists, who, having amassed great fortunes along with the financial control of huge corporations that threaten free government, defy Congress to touch them through taxation, regulation, Federal incorporation, or by any other method.

These, my friends, are the dictators. They are dictating right now the course of events in this country. They are opposing not only taxation based on the just principle of ability to pay, but every effort to make the resources of this country available to the people of this country. They oppose all just labor legislation, such as the Federal Labor Relations Act, the wage and hour bill, the abolition of child labor and the sweat shop. They found in 1936 that the people were with President Roosevelt and the New Deal. But being dictators, they refuse to submit to majority rule. Since they could not win at the polls, they resolved to win by trick and device, by propaganda in the controlled newspapers, by a concerted and never-ending series of attacks.

DIE-HARD'S SLOGAN RULE OR RUIN

Every measure the President recommends is opposed by these small but powerful groups, representing the defeated minority.

That explains the attack on the reorganization bill. It was proposed by the President. Therefore it must be defeated. Such a defeat, they think, will be a blow to the prestige of the President, it will encourage all who oppose him, it will with other similar attacks enable the minority—which carried two States in the last national election—to control legislation, to stop the New Deal, to get the power back in their hands.

This drive should fail. We should pass the bill, amended to meet all reasonable objections. The minority is not going to rule Congress and it is not going to control this country. But the fight has been bitter and hard. And it is not ended.

PEOPLE'S VOICE UNHEEDED

Unfortunately, many persons seem to have forgotten the mandate given by the people at the last election.

As a Roosevelt Democrat, believing in the New Deal, I have no hesitation in voting for this bill. Furthermore, I am glad to reaffirm my faith in Roosevelt and my belief in his program to bring opportunity to all the people of this great country.

I am anxious for the opportunity to vote for a wage and hour bill, for increased appropriations for W. P. A., for a liberalization of the Social Security Act that will enable such progressive States as California to pay a \$50-a-month old-age pension at the age of 60.

This Congress should not adjourn until the liberal program advocated by the President and by the people is put through.

Let us not run to cover from the attacks of those who opposed the program in 1936 and lost out. Let us stand our ground and do what we were sent here to do.

Thus the victory of 1936 will become a real victory, and the faith of the people will be vindicated.

Mr. JENKS of New Hampshire. Mr. Speaker, I have listened with keen interest to the eloquent arguments presented on the floor of this House for and against this reorganization legislation during the past several days. While I have no power of oratory, I have always felt I have a smattering of common sense and good judgment. It seems to me that the bill itself has been submerged in the clamor of protests that has arisen over it, and it is on that phase of the situation that I want to say just a few words.

The thousands of protests that have poured in on both Houses of Congress attest the fact that a fear has spread throughout the length and breadth of this country that our constitutional system of checks and balances is in danger of being disturbed. The cry of "dictator" became so persistent that the President himself, mistakenly, I think, re-

leased a letter to an unknown friend disclaiming any ambition or qualification to assume the role of a dictator. That same President once said that the only thing to fear is fear itself.

What has happened? In the minds of many people the thought of a one-man government has been surging for some time, and this bill, which proposes to transfer additional powers to the President, has simply served as a peg on which to hang their protests.

At a time when the confidence of the people is lagging and when the tide of discouragement is rising, it would seem that the primary concern of this body should be to restore confidence in the Government rather than to further undermine the faith of the citizenry in the stability of their Government.

Why cannot we let first things be first? We now have approximately 11,000,000 unemployed people. The President estimates that one-third of the population is undernourished, poorly clad, and inadequately housed. There are 250,000 men, women, and children in my district, and this means 80,000 of these people have not enough to eat, and this is my great concern.

What have we done since last November 15, when we came into session, to relieve these conditions? Why do not the wheels of commerce and industry gather sufficient momentum to create a demand for these unemployed workers? Largely because of lack of confidence. Does this reorganization legislation help the situation? I say "no." It has no bearing whatever on it except to further depress confidence, instill fear, and make a bad situation worse.

Let the common sense and good judgment of this House express itself in a vote to recommit this bill; such an assertion would, at least in some measure, clear the atmosphere of the doubt and fear with which it is now so heavily charged.

By defeating this bill I believe we have everything to gain and nothing to lose.

Mr. BACON. Mr. Speaker, the House of Representatives is nearing the moment when it must take a vote of vital consequence to the country. I do not believe that the individual Members of the Congress have half begun to realize the extent of the depression that we are now in. The indexes of the Federal Reserve Board today show that we are only a little bit above the extreme low of 1933, and conditions are getting worse every day.

There is nothing in this reorganization bill which will in any way help the economic situation in the country, which is steadily growing worse. Even its proponents admit that there is no economy in the bill, and many think that if its provisions are carried out it will result in greatly increased costs. This point of view has been well stated by my colleague on the Appropriations Committee, Mr. WOODRUM, of Virginia.

It is now nearly 6 months that this Congress has been in session, and yet nothing has been done to reassure the country, to reassure business, or to help the ever greatly increasing unemployment situation. And yet, after 6 months, we find ourselves here today discussing a reorganization bill which will largely increase the executive powers of the President.

This reorganization bill has become an incident in a much larger picture. The people of this country have intuitively sensed this fact. The sensible men and women of America have been viewing with alarm the continued abdication by Congress and the continued granting to the President of increased powers, many of them legislative in type. The people realize that the Congress is their Congress, and they do not like to see the only representatives that they directly vote for give away powers imposed upon them by the Constitution. They view this reorganization bill as the capstone of a series of acts on the part of the Congress abdicating its power. The defeat of the reorganization bill, therefore, has become symbolic; the people feel that if this reorganization bill is defeated that the Congress will have finally called a halt on the building up of the executive at the expense of the legislative branch of the Government. And once this halt

is called the people hope that the Congress will again begin to reassert itself and take back some of the emergency powers already granted to the Chief Executive. They sense the fact that there is involved in this reorganization bill the whole question of constitutional government.

They are reminded that the Constitution provides for a division of powers between three coordinate branches of the Government, each one independent in its own sphere. They have an acute awareness of what Justice Brandeis declared in one of his opinions, that—

The doctrine of the separation of powers was adopted by the Constitution of 1787, not to promote efficiency, but to preclude the exercise of arbitrary power.

They realize that the wise theory of government set up by the Constitution must not be disturbed if the American form of government is to continue. They do not want their Congress, that they elect every 2 years, to deliberately subordinate itself to the Executive. They are tired of being represented by "rubber stamps" that obey every beck and call of the Chief Executive. They want Congress to reassert itself and to stop, once and for all, the giving away of its powers granted to it under the Constitution.

The American people are viewing with concern the world-wide tendency toward dictatorships. They have seen what can happen in Russia, Germany, Italy, and Japan, where the legislative bodies elected by the people have been completely eliminated from the government set-up in these countries. They realize that with the elimination of the National Legislature the road to dictatorship is open, and they see all over the world dictators on the march. The American people realize that no dictator can set himself up in the United States so long as constitutional government is preserved and safeguarded and is maintained inviolate and as it has been maintained during the past 150 years. But they realize, too, that, once the Congress begins to give away its powers in favor of building up those of the Executive, it is time to stop, look, and listen.

During the discussion of this reorganization bill the country is looking to the Congress as a last hope. The defeat of this bill will have a splendid tonic effect on the country. It will be a big psychological factor in overcoming the present depression.

I do not intend now to discuss the many specific objections that I have to the bill, some of which run to the constitutionality of certain of its phases. In my estimation, this bill cannot be amended to make it acceptable. It goes too deeply to the fundamentals to permit of perfecting or improving amendments. No matter how much it is amended, it still is and always will be an additional, unwarranted grant of power to the Chief Executive. And, therefore, no matter what amendments are adopted, I propose to vote against the bill.

Mr. BIGELOW. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include a short article from a Chicago paper, *Lightnin'*, January 1938, on the request of the Pullman Co. for an increase in rates.

The SPEAKER. Is there objection?

There was no objection.

REORGANIZATION BILL

Mr. COCHRAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes.

Pending that, I ask unanimous consent that in the consideration of the bill (S. 3331) in the Committee of the Whole House on the state of the Union it shall be in order to consider the committee substitute amendment as an original bill for the purpose of amendment, and that such committee substitute shall be read by title for the purpose of amendment, and, further, that it shall be in order for any Member to demand a separate vote in the House on

any of the amendments adopted in the Committee of the Whole to the substitute amendment.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Missouri that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3331.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3331, with Mr. McCORMACK in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Under the order of the House the bill will be read by title as an original bill for the purpose of amendment. The Clerk will read the first title.

The Clerk read as follows:

TITLE I—REORGANIZATION

PART I—POWER OF THE PRESIDENT

SECTION 1. (a) Title IV of part II of the Legislative Appropriation Act, fiscal year 1933, as amended (U. S. C., 1934 ed., title 5, secs. 124–132), is hereby reenacted and is amended in the following respects:

(1) Section 401, as amended (U. S. C., 1934 ed., title 5, sec. 124), is amended by striking out the first paragraph and the words "Accordingly, the" in the second paragraph and inserting in lieu thereof the word "The."

(2) Section 402, as amended (U. S. C., 1934 ed., title 5, sec. 125), is amended by inserting after the word "establishment," the words "corporation owned or controlled by the United States," and by changing the period at the end of the section to a comma and inserting thereafter the following: "but shall not include, except as to the function of preparing estimates of appropriations, the Interstate Commerce Commission, the Federal Trade Commission, the Federal Power Commission, the Securities and Exchange Commission, the Federal Communications Commission, the National Labor Relations Board, the National Bituminous Coal Commission, the United States Maritime Commission, the Engineer Corps of the United States Army, the Coast Guard, the General Accounting Office, and the United States Tariff Commission."

(3) Section 409, as amended (U. S. C., 1934 ed., title 5, sec. 132), is stricken out.

(b) No Executive order issued by the President under the authority of subsection (a) of this section shall become effective unless transmitted to the Congress within 2 years from the date of the enactment of this act.

PART 2—BUDGETARY CONTROL

Sec. 2. Section 2 of the Budget and Accounting Act, 1921 (U. S. C., 1934 ed., title 31, sec. 2), is amended by inserting after the word "including" the words "any independent regulatory commission or board and".

PART 3—THE DEPARTMENT OF WELFARE

Sec. 3. There shall be at the seat of government an executive department to be known as the Department of Welfare, and a Secretary of Welfare, who shall be the head thereof, and shall be appointed by the President, by and with the advice and consent of the Senate, and have a tenure of office like that of the heads of the other executive departments. Section 158 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 5, sec. 1), is amended to include such Department and the provisions of title IV of the Revised Statutes, including all acts amendatory and supplementary thereto, shall be applicable to such Department.

Sec. 4. There shall be in the Department of Welfare an Under Secretary of Welfare and two Assistant Secretaries of Welfare who shall be appointed by the President, by and with the advice and consent of the Senate, and a Solicitor, who shall be appointed by the Secretary of Welfare, and all of whom shall exercise such functions as may be prescribed by the Secretary of Welfare or required by law.

Sec. 5. The Secretary of Welfare shall promote the public health, safety, and sanitation; the protection of the consumer; the cause of education; the relief of unemployment and of the hardship and suffering caused thereby; the relief of the needy and distressed; the assistance and benefits of the aged and the relief and vocational rehabilitation of the physically disabled; and in general shall coordinate and promote public health, education, and welfare activities.

Sec. 6. The Secretary of Welfare shall cause a seal of office to be made for his Department, of such device as the President shall approve, and judicial notice shall be taken of such seal.

Sec. 7. The Secretary of Welfare shall annually, at the close of each fiscal year, make a report in writing to the Congress, giving an account of all money received and expended by him and his Department and describing the work done by the Department. He shall also from time to time make such special investigations and

reports as he may be required to make by the President, or by the Congress, or as he himself may deem necessary.

PART 4—GENERAL PROVISIONS

SEC. 8. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title.

Mr. TABER. Mr. Chairman, I make a point of order against the title on the ground that it is a violation of clause 4 of rule XXI of the House rules, in that it contains an appropriation, and that no committee, except the Committee on Appropriations, is authorized to bring into the House a bill carrying an appropriation. For the purpose of arguing this point, I have had run off a copy of section 127 of title 5 of the Code, which I shall send to the desk for the benefit of the Chair, together with a copy of House Resolution 60, providing for the special and select reorganization committee. The Chair will see that by reference to section 1 of title I, of the bill that sections 124 to 132 of title V of the Code are reenacted. Section 127 is the section involved. Section 127 provides:

In any case of a transfer or consolidation under the provisions of this subchapter, the President's order shall also make provision for the transfer of such unexpended balance of appropriations available for use in connection with the function of the agency transferred or consolidated as he deems necessary by reason of the transferred or consolidated function for use in connection with the transferred or consolidated function.

I would like to have the Chair pay special attention to the rest of the matter which I have underlined in the copy I forwarded to the desk:

Or for the use of the agency to which the transfer is made or of the agency resulting from such consolidation. For instance, if the Veterans' Bureau were consolidated with the Department of Welfare.

The CHAIRMAN. Will the gentleman from New York permit the Chair to inquire as to which section of the title the gentleman is addressing his point of order?

Mr. TABER. I am making my point of order to the whole title, but I am referring to this particular section, part I of section 1 of title I as the section which is out of order. If, of course, any part of a title is out of order the whole of the title is out of order.

It is perfectly clear that those words that I have read constitute an appropriation beyond any question. For instance, the way the bill now reads the Veterans' Bureau might be transferred to the department of welfare. The whole Veterans' Bureau appropriation, containing \$700,000,000, would be available for the use of that entire department of welfare. It is clearly an appropriation.

Now, may I read to the Chair clause 4 of rule XXI:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time.

The Chair will note that this has been construed.

The term "appropriation" in the rule means the payment of funds from the Treasury, and the words "warranted and make available for expenditure for payments" are equivalent to "is hereby appropriated," and therefore not in order. The words "available until expended," making an appropriation already made for 1 year available for ensuing years, are not in order. Language reappropriating, making available, or diverting an appropriation or a portion of an appropriation already made for one purpose to another—

And that is this particular case—is not in order.

May I read that again:

Language reappropriating, making available, or diverting an appropriation or a portion of an appropriation already made for one purpose to another is not in order.

That is a decision that was rendered on August 11, 1921, in the first session of the Sixty-seventh Congress, page 4891 of the RECORD.

On March 29, 1933, in the Seventy-third Congress, a direction to a departmental officer to pay a certain sum out

of unexpended balances was held to be the equivalent to an appropriation and not in order.

At the bottom of page 397 of the House Rules and Manual appears the following statement:

A direction to a departmental officer to pay a certain sum out of unexpended balances is equivalent to an appropriation and not in order.

Let me repeat that, if the Chair please:

A direction to a departmental officer to pay a certain sum out of unexpended balances is equivalent to an appropriation and not in order.

That was a decision of November 9, 1921.

Language authorizing the use of funds of the Shipping Board is not in order.

That is a decision of January 31, 1921.

A direction to pay out of Indian trust funds is not in order.

That is a decision of February 3, 1923.

In addition to the items which I have already cited, I desire to call the attention of the Chair to Cannon's Precedents, volume 7, 1936 edition, sections 1735 to 1745, inclusive. I call the Chair's attention particularly to section 1744 on page 719 of that volume:

To provide that an appropriation already made shall be available for a different purpose is an appropriation and exclusively within the jurisdiction of the Committee on Appropriations.

On January 29, 1921, the diplomatic and consular appropriation bill was under consideration in the Committee of the Whole House on the state of the Union. The Clerk read this paragraph:

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, to be expended under the direction of the Secretary of State, and to be immediately available as follows:

Mr. Thomas L. Blanton, of Texas, made the point of order that the phrase "to be immediately available" proposed legislation on a general appropriation bill.

In controverting the point of order, Mr. James R. Mann, of Illinois, said:

"It is not new legislation. It is an appropriation. Now, that point of order used to be made on this bill and would have been in order, because the Committee on Foreign Affairs, when it reported this bill, had no authority to report a deficiency appropriation."

It is clear that the language I have cited is an appropriation.

Mr. Chairman, I refer now to section 1745, on page 719 of the volume I have heretofore referred to and this case is particularly important because there another bill from a committee other than the Appropriations Committee was under consideration. I direct the Chair's particular attention to this language:

On August 11, 1921, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8107) to control importations of dyes and chemicals.

Thereupon, Mr. Joseph Walsh, of Massachusetts, raised a question of order against the following paragraph of the pending bill:

"Sec. 3. That the appropriation 'Collecting the revenue from customs, 1922,' is hereby made available for the payment of salaries and all other expenditures incident to the operation of the Dye and Chemical Section, Division of Customs, Treasury Department, for the fiscal year ending June 30, 1922."

Mr. Walsh submitted that the paragraph provided an appropriation and was therefore not within the jurisdiction of the Committee on Ways and Means reporting the bill.

The Speaker said:

"The Chair will rule.

"Section 3 of the bill reported by the Ways and Means Committee provides that the appropriation for collecting the revenue from customs for 1922 'is hereby made available for the payment of salaries and all other expenditures incident to the operation of the Dye and Chemical Section, Division of Customs, Treasury Department, for the fiscal year ending June 30, 1922.' To that section the gentleman from Massachusetts, Mr. Walsh, makes the point of order that it carries an appropriation reported by the Committee on Ways and Means, and that under the rules of the House that committee has no jurisdiction over appropriations. Clause 4 of rule XXI prohibits any other than the Committee on Appropriations from bringing in or making appropriations.

"The Speaker a few days ago sustained a point of order in the boll-worm case in which it was sought to make an appropriation already made, already available in the Department of Agriculture, available for a new purpose by the Secretary of Agriculture. The

point of order was made that that could not be done in a bill reported by the Committee on Agriculture, and the Speaker sustained the point of order."

Mr. Chairman, that is just exactly this case. Continuing, the Speaker said:

The gentleman from Ohio [Mr. Longworth] cites a decision made by the present occupant of the chair on the 23d of May of this year. That was an entirely different proposition. In that case an appropriation available for rations was transferred in a deficiency appropriation bill and reported by the appropriating committee to another purpose, and the Chair held that that transfer could be made.

Mr. Chairman, if I may interpolate at this point, that was because the bill which made that transfer came from the Appropriations Committee.

Continuing, the Speaker said:

The committee reporting the deficiency appropriation bill, having full jurisdiction, could have reported an original appropriation for the purpose for which the transfer was made. And in that case the Chair overruled the point of order. In this case it seems clear to the Chair that section 3 is an infringement on the jurisdiction of the Committee on Appropriations, and therefore sustains the point of order.

Mr. Chairman, may I say that a careful examination of Resolution No. 60, which created this Special Select Committee, gives it absolutely no authority whatever over appropriations. There is no provision in there which gives that committee any authority whatever over appropriations.

I have carefully examined the message of the President of the United States of January 12, 1937, referred to in the resolution and there is nothing whatever in the message which would in any way give this committee jurisdiction over anything of that character.

Mr. Chairman, on those decisions and on the rule to which I have referred, which seem absolutely clear, I submit to the Chair my contention that this entire title is not in order, because it reenacts section 127 of the code, giving the authority for and requiring the transfer of appropriations along with a consolidation or a transfer and I therefore ask the Chair to rule that the entire title is not in order.

The CHAIRMAN. The Chair would like to ask the gentleman from New York [Mr. TABER] a question. Does the gentleman contend that the present title gives to the President powers which he does not already possess under existing law?

Mr. TABER. Oh, yes.

The CHAIRMAN. The Chair wants to distinctly understand the point of order.

Mr. TABER. Yes; I want that thoroughly understood; because the President at the present time has no power to transfer any agency or to reappropriate any money or to transfer any funds. He would not have that power without the other language which this title carries. There is no question about that situation.

If the Chair would suggest to me any language which gives the President at the present time the power to make a transfer, to which this language would apply, I would be glad to discuss it further; but, frankly, I contend there is no authority in the President to make any transfer, and this language is absolutely ineffective without the entire title to which I have just made the point of order. It is a whole entity.

The CHAIRMAN. The Chair would like to ask if it is the gentleman's contention that no present law exists which authorizes the carrying out of the provisions of title I and if the gentleman bases his argument on the ground that section 127, title V, to which he has referred, under the provisions of section 132 were to continue for a period of 2 years after the enactment of the act of March 20, 1933?

Mr. TABER. That is part of it, but at the present time there is absolutely no authority whatever for the President to make any transfer of any function at all. Only by coupling this whole thing together can a statute be enacted and maintained which would permit the transfer of any appropriation. The power to transfer an appropriation or to use it for a purpose other than that for which it has been appropriated does not now exist as a result of the language

that is on the statute books today but it would exist with the language contained in title I, part 1 of this amendment in effect. In other words, we have to consider the whole of this title together. This whole title gives the President the power to transfer, and that power to transfer is created by a requirement that the funds shall be transferred as a result of this statute. Only by considering this entire title together can we get to a position where this bill would carry an appropriation. Not by considering this particular section alone, but by considering the entire title, it appears there is absolutely no question but that this constitutes an appropriation.

Mr. COCHRAN. Mr. Chairman, I concede the point of order is well taken and offer an amendment.

The CHAIRMAN. The point of order is sustained. The gentleman from Missouri offers an amendment, which the Clerk will report.

Mr. O'CONNOR of New York. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. O'CONNOR of New York moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. O'CONNOR of New York. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes.

Mr. COCHRAN. Reserving the right to object, Mr. Chairman, we have had 26½ hours of the time of the House spent on this bill. Everyone in the House knows what the motion of the gentleman from New York is. The gentleman could talk for 5 hours and he could not change a vote either way.

Mr. O'CONNOR of New York. I am not so sure about that, and I should like to explain certain developments on yesterday. I think this is a very important matter and I believe the gentleman ought to consent that I have a little extra time. Ordinarily, only 5 minutes would be allowed. I suggest that 15 minutes is adequate time, and I would be willing to fix the time of debate.

Mr. RAYBURN. I believe we ought to do that.

Mr. O'CONNOR of New York. I believe there ought to be at least 1 hour of debate, and maybe longer.

Mr. COCHRAN. No; I will not agree to that. I have no desire to cut off debate. The debate has run along. I have cooperated with the gentleman from New York and the Members on the other side of the aisle the last few days and I want to cooperate now, but there is absolutely no necessity for extending the debate on this motion to 1 hour.

Mr. O'CONNOR of New York. Will the gentleman make it a half hour?

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of New York. I yield to the gentleman from Texas.

Mr. RAYBURN. Mr. Chairman, I ask unanimous consent that debate on this motion be limited to 20 minutes, 10 minutes to be controlled by the gentleman from New York [Mr. O'CONNOR] and 10 minutes by the gentleman from Missouri [Mr. COCHRAN].

Mr. O'CONNOR of New York. No; I have figured it out. I am sure the gentleman is not going to squabble over 5 minutes. I asked 15 minutes.

Mr. RAYBURN. I may say to the gentleman I have had a terrible squabble over more than 5 minutes. I believe we can get by with 10 minutes on a side, but I do not believe we can get by with 15 minutes. I am talking about getting an agreement.

Mr. O'CONNOR of New York. I hope the gentleman will not object to my having 15 minutes.

The regular order was demanded.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he be permitted to address the Committee for 15 minutes. Is there objection?

Mr. COCHRAN. Mr. Chairman, I will be compelled to object. [Cries of "No."]

Mr. COCHRAN. Mr. Chairman, if it is the desire of the Committee that the gentleman from New York have 15 minutes, I ask unanimous consent that debate on the motion

be limited to 30 minutes, 15 minutes to be controlled by the gentleman from New York [Mr. O'CONNOR] and 15 minutes by myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. O'CONNOR of New York. Mr. Chairman, in offering my motion to strike out the enacting clause of this bill I am taking a step which I believe the people of this country desire, and right at this moment. Every letter and every telegram says, "No compromise; no amendments will cure the bill." This universal sentiment is summed up in this editorial comment which runs through the press:

"Only one solution remains, that is, for Congress to vote down the whole bill and abandon its consideration until calmer times. Such a vote would do more to restore the equanimity of the country than any other single event, for it would signify that the voters had at last regained a Congress resolute enough and patriotic enough to stand between the country and a President who had temporarily mislaid his sense of perspective."

Those responsible for bringing this bill in here have realized for sometime that they have a bear by the tail. We are trying to help them let go.

Let us see from where the strongest urge for this bill comes.

I hold in my hand two issues of the Daily Worker, the Communist newspaper in New York. They violently support this bill and denounce its opponents as Tories and fascists who are fighting liberalism.

In his column today Benjamin DeCasseres says:

Words today cannot be accepted at their face value. We are now in the era of corkscrew words—words that have been twisted out of all semblance of their original meaning. As for instance: "Liberalism is now a mask behind which there work Communists, Socialists, and collectivists of all kinds who are either too cowardly to announce their real principles or who are self-deceived into the belief that all is liberal that advances the power of the state and destroys individual initiative."

But the Communists are not content with merely the written word in their issue. Their chief and their leader, Mr. Earl Browder, their Communist candidate for President, just returned from Russia, has been actively lobbying in the House Office Buildings, in the offices of Members, to gain support for this bill.

I cannot just figure out why the Communists are for this bill and what trick they are playing in denouncing the opponents of the bill as Fascists. Our people believe that fascism is with us and that this bill is a further step in that direction. The people of this country fear that this bill will serve as an escalator to a dictatorship. [Applause.]

Please, let us hear no more talk about propaganda. I hold in my hand a printed petition which has been sent to the W. P. A. workers of the country to sign and send to the Congress. I do not know whether it was printed at Government expense, but unless we dispose of this issue today, the hour to strike, there will come in the next few days an avalanche of these petitions, and you will be overwhelmed with this flood of propaganda.

Propaganda? I have had no propaganda against the bill, but I hold in my hand identical printed post cards which have been sent out to the country to be sent in for the bill. So let us stop this talk of propaganda.

Furthermore, the telephone wires are deluged from all over this country, national committeemen, State chairmen, county chairmen, calling their Members to get behind the President on this bill.

Well, the Members know that these bosses are only interested in "pap", only interested in jobs, only interested in the allocation of W. P. A. funds which mean jobs. The Members know that these bosses cannot elect them to this House. The Members know that most of these bosses are intelligently incapable even of making a speech in behalf of them when the people start after them on this issue.

Maybe the Communists hope—and this is the best guess I can make—when the downward plunge from a dictatorship

comes they will come into their own. Up to today, however, I have not been able to make up my mind whether, if my choice were limited to a fascist or a communistic government, under which system I should elect to live.

The people of this country fear this bill as a further surrender by Congress of its functions under the Government. Over a century ago Daniel Webster entertained the same fear, when he said:

I believe the power of the Executive has increased, is increasing, and ought to be brought back within its ancient constitutional limits. I have nothing to do with the motives which have led to those acts which I believe to have transcended the boundaries of the Constitution. Good intentions will always be pleaded for every assumption of power. They cannot justify it even if we are sure that they existed.

I trust the Members will not be so short of memory as to take this floor and say they never voted to strike out the enacting clause of a bill, and I hope they will not say they never voted against consideration of a bill, because looking around I cannot see any Member who has not at sometime voted to strike out the enacting clause or against consideration of a bill.

In striking out the enacting clause of this bill, this House is not doing any more than the special House committee did when it struck out every word of the Senate bill. You will hear about sabotage, but maybe that is what the committee did then.

There is still in the Senate a reorganization bill which, in an idle moment, we passed, and if we summarily dispose of this matter today, we can let the Senate go to work on that bill that is already over there.

The argument will undoubtedly be repeated here that we should continue the consideration of this bill and amendments. Everybody here knows that if the amendments suggested are adopted, as they will be—and I believe many more amendments will be adopted than those conceded by the special committee—there just will not be any bill, especially if the new department of public welfare is stricken from the bill, as it should, and, in my opinion, will be.

All that we are going to be doing from now until sometime next week is to use the time of this great Congress on an unimportant, moot question, so offensive to the people, instead of getting down to real business and relieving unemployment and our business situation. [Applause.]

But suppose you took the attitude of staying here and working out amendments. All your efforts, all the personal glory you may get by offering the amendments, can be undone in conference. And I say, watch that. The danger of that happening is sufficient to act today and strike the enacting clause from this bill. As the country has exclaimed, "no compromise;" we say that a great principle is involved in the fight that we are making, and that you cannot compromise with a principle.

Edmund Burke said:

Kings will be tyrants from policy when subjects are rebellious from principle.

From all over this land comes this rebel cry, from all of the churches, from all of labor, from all of the veterans, from the leading Democrats of the country, from the businessmen, from the man in the street. In that connection, a pernicious falsehood is being circulated here today that the American Federation of Labor has relinquished its opposition to the bill. Here is a letter I hold in my hand sent out today by Mr. Hushing, their legislative representative, to the effect that they are still against the bill, still for striking out the enacting clause or recommitting the bill at this moment.

The people of this country fear the further breaking down of the equality of the three branches of government, which our forefathers worked out deliberately, and, I say, reluctantly, because, if some of our forefathers had had their way, the Congress would have predominated, as it does in England, where there has been worked out a satisfactory democratic form of government. It never even occurred to those people who founded our country and Constitution that it

would ever be even suggested that the Congress surrender any of its rights to the executive, or yea, even that the executive might infringe upon the power of the other branch, the judiciary.

These are the fears that run through the hearts of our people.

Now is the time to strike; this is the hour.

We who believe that a great principle is involved in this struggle are confident, are happy to go through with it. If we lose, we have nothing to lose; we will still be fighting; and of course, there just never is going to be any reorganization bill in the Seventy-fifth Congress.

Marcus Aurelius said:

Flinch not, neither give up nor despair, if the achieving of every act in accordance with right principles is not always successful.

Whatever happens, we shall still be there fighting. We shall still be standing at Thermopylae! [Applause.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from New York has 1½ minutes remaining.

Mr. O'CONNOR of New York. Mr. Chairman, I reserve the remainder of my time.

Mr. WARREN. Mr. Chairman, I suggest to the gentleman we are entitled to close.

Mr. O'CONNOR of New York. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. PETTENGILL].

Mr. PETTENGILL. Mr. Chairman, I think the adoption of the motion made by the gentleman from New York [Mr. O'CONNOR] is the wisest thing this House could do at this time. There is just one thing that is facing this House and this Nation and that is coming up in the primaries and in the elections this year. That is to get men back to work. This bill does not put a man to work and it does not save a dollar. It is going to waste money, and if this House passes it and it goes to conference, for weeks and weeks, while it remains in conference, this country will continue to be disturbed over this bill. Every day it stays here, or in conference the longer this depression will last.

Mr. HOOK. And what would the gentleman suggest to put men back to work?

Mr. PETTENGILL. Mr. Chairman, I hope the remarks of the gentleman from Michigan will not be taken from my time. He did not ask me to yield.

The CHAIRMAN. The Chair will take care of the gentleman from Indiana and of all gentlemen.

Mr. PETTENGILL. I want to say to the gentleman from Michigan that if he were living in one of the big industrial centers of America he would not hear any people from his section asking that this bill be passed. They want jobs; they want confidence; they want courage in this country; they do not care about this bill at this time, except to be against it.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. PETTENGILL. I decline to yield.

We have gone along 150 years without this bill, and we can wait a few months more until Congress reassembles under what I hope will be happier times and let us put first things first. Send men back to work, and send this bill back to committee. When the old hen wants to lay an egg is no time for firecrackers. [Applause.]

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I yield 15 minutes to the gentleman from North Carolina [Mr. WARREN].

Mr. WARREN. Mr. Chairman, by this motion the gentleman from New York [Mr. O'CONNOR] is endeavoring to foist on the House of Representatives some of the same ruthless methods that he has attempted in the past.

The opposition wanted debate; they have had it, 26½ hours of it. The opposition stated that they wanted to amend the bill; this privilege they also will have, but the gentleman from New York seeks by this motion to deny it to you.

The charge was made over the radio the other night and repeated here this morning by way of insinuation that if this bill goes to conference there is some nefarious or sinister

scheme in the minds of the conferees to nullify the efforts of the House of Representatives. In the parlance of the gutter, if you please, the gentleman from New York insinuates that the conferees would "sell out" the House of Representatives. If the gentleman from New York thinks that I would betray this House, then I do not speak his language or think his thoughts. [Applause.] I was not raised or nourished on any such doctrine as that, and I have never been trained to stoop to conquer. [Applause.] The papers in North Carolina last week said that for the eighth time I had been renominated to Congress without opposition and was the only man in that State who was a candidate for office for a State or a congressional office that had no opposition from either party. A great district and a great people have shown in every way their confidence in me. I have not yet learned the art of gentle deception and I do not know how to take short cuts, parliamentary or otherwise.

Let me now therefore repeat and reiterate this pledge to the House of Representatives, and I am authorized to do it in behalf of Messrs. COCHRAN, VINSON, KNIFFIN, ROBINSON, MEAD, BEAM, and myself: If this Committee accepts the amendments offered by our committee to strike out the word "education" as we have heretofore promised; if this committee writes into this bill the concurrent resolution which we have heretofore promised—and in that connection let me say that I frankly admitted a few days ago that a mere concurrent resolution was of doubtful constitutionality; we are prepared to present one here that is so tied up with the standards and with the delegation of authority that I doubt if anyone will have the temerity to challenge its constitutionality. I might also say that we have no objection to the exemption of the Veterans' Administration, and the pledge extends to that; and I will also say that under no condition or circumstance—and I am speaking for all of the Democratic members of our committee—that we will not accept the Senate provision on the Comptroller General. There will be no bill unless those amendments are in the bill that finally goes to the White House. [Applause.]

Ah, the gentleman from New York wound up with an appeal to the prejudice of some by citing something that has appeared in some Communist or Socialist paper. It is not necessary for me again to call attention to where this propaganda comes from. Members from the South and from the far West are receiving just a minimum of mail about this subject. The whole concentration on this has been from the cities, and it is coming from the Republican Party, as everyone knows. [Applause.] The Republican State chairman of Massachusetts urges the Republicans of that State to deluge their Members. I could read into the RECORD here this morning from 50 to 100 letters that I have received, the whole substance of which has been: "We do not know anything about the reorganization bill. Perhaps it is a good bill. If it is the best bill on earth, we are opposed to it, because we are opposed to Roosevelt."

You know that same statement is made in letter after letter you have received on it, on account of their hatred of the man in the White House, and I again repeat, their deliberate effort and attempt to destroy him. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. COCHRAN. Mr. Chairman, I yield back the balance of my time.

Mr. MICHENER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MICHENER. As I understood the motion before the House it is to strike out the enacting clause. If I understood the gentleman from North Carolina correctly, the committee agrees to strike out everything but the enacting clause; so what is the difference?

The CHAIRMAN. The Chair does not consider that to be the proper subject of a parliamentary inquiry.

Without objection, the Clerk will again report the motion.

There was no objection.

The Clerk read as follows:

Mr. O'CONNOR of New York moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The question is on agreeing to the motion offered by the gentleman from New York [Mr. O'CONNOR].

Mr. WARREN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. COCHRAN and Mr. O'CONNOR of New York to act as tellers.

The Committee divided; and the tellers reported there were—ayes 169, noes 191.

So the motion was rejected.

Mr. CRAWFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAWFORD. Is there any way under the present situation whereby we could secure a yea and nay vote on the motion to strike out the enacting clause?

The CHAIRMAN. Not in the Committee of the Whole.

Mr. COCHRAN. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 42, beginning on line 24, in lieu of the matter contained in title I of the committee substitute stricken out on the point of order, insert the following to precede title II of the committee substitute:

"That this act may be cited as the 'Reorganization Act of 1938.'"

"TITLE I—REORGANIZATION"

"PART I—POWER OF THE PRESIDENT"

"SECTION 1. (a) Title IV of part II of the Legislative Appropriation Act, fiscal year 1933, as amended (U. S. C., 1934 ed., title 5, secs. 124–132), is hereby reenacted and is amended in the following respects:

"(1) Section 401, as amended (U. S. C., 1934 ed., title 5, sec. 124), is amended by striking out the first paragraph and the words 'Accordingly, the' in the second paragraph and inserting in lieu thereof the word 'The';

"(2) Section 402, as amended (U. S. C., 1934 ed., title 5, sec. 125), is amended by inserting after the word 'establishment,' the words 'corporation owned or controlled by the United States,' and by changing the period at the end of the section to a comma and inserting thereafter the following: 'but shall not include, except as to the function of preparing estimates of appropriations, the Interstate Commerce Commission, the Federal Trade Commission, the Federal Power Commission, the Securities and Exchange Commission, the Federal Communications Commission, the National Labor Relations Board, the National Bituminous Coal Commission, the United States Maritime Commission, the Engineer Corps of the United States Army, the Coast Guard, the General Accounting Office, and the United States Tariff Commission.';

"(3) Section 404, as amended (U. S. C., 1934 ed., title 5, sec. 127), is amended by striking out the last sentence thereof;

"(4) Section 409, as amended (U. S. C., 1934 ed., title 5, sec. 132), is stricken out.

"(b) No Executive order issued by the President under the authority of subsection (a) of this section shall become effective unless transmitted to the Congress within 2 years from the date of the enactment of this act.

"PART 2—BUDGETARY CONTROL"

"Sec. 2. Section 2 of the Budget and Accounting Act, 1921 (U. S. C., 1934 ed., title 31, sec. 2), is amended by inserting after the word 'including' the words 'any independent regulatory commission or board and'.

"PART 3—THE DEPARTMENT OF WELFARE"

"Sec. 3. There shall be at the seat of government an executive department to be known as the Department of Welfare, and a Secretary of Welfare, who shall be the head thereof, and shall be appointed by the President, by and with the advice and consent of the Senate, and have a tenure of office like that of the heads of the other executive departments. Section 158 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 5, sec. 1), is amended to include such Department and the provisions of title IV of the Revised Statutes, including all acts amendatory and supplementary thereto, shall be applicable to such Department.

"Sec. 4. There shall be in the Department of Welfare an Under Secretary of Welfare and two Assistant Secretaries of Welfare who shall be appointed by the President, by and with the advice and consent of the Senate, and a Solicitor, who shall be appointed by the Secretary of Welfare, and all of whom shall exercise such functions as may be prescribed by the Secretary of Welfare or required by law.

"Sec. 5. The Secretary of Welfare shall promote the public health, safety, and sanitation; the protection of the consumer; the cause of education; the relief of unemployment and of the hardship and suffering caused thereby; the relief of the needy and distressed; the assistance and benefits of the aged and the relief

and vocational rehabilitation of the physically disabled; and in general shall coordinate and promote public health, education, and welfare activities.

"Sec. 6. The Secretary of Welfare shall cause a seal of office to be made for his Department, of such device as the President shall approve, and judicial notice shall be taken of such seal.

"Sec. 7. The Secretary of Welfare shall annually, at the close of each fiscal year, make a report in writing to the Congress, giving an account of all money received and expended by him and his Department and describing the work done by the Department. He shall also from time to time make such special investigations and reports as he may be required to make by the President, or by the Congress, or as he himself may deem necessary.

"PART 4—GENERAL PROVISIONS"

"Sec. 8. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title."

Mr. TABER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TABER. Mr. Chairman, I make the point of order that the amendment just offered is not germane to section 1. The amendment creates a department of welfare and authorizes the expenditure of unlimited funds for relief purposes. It also gives broader powers to the department of welfare in connection with education and the authorization and the appropriation of funds for this purpose within the current law. As I stated, it is not germane to a provision which authorizes (a) the reduction of expenditures to the fullest extent consistent with the efficient operation of the Government; (b) to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues; (c) to group, coordinate, consolidate, reorganize, and segregate agencies and functions of the Government, or any part thereof, as nearly as may be, according to major purposes; (d) to reduce the number of such agencies by regrouping or consolidating those having similar functions under a single head, and for such purpose to abolish such agencies as may not be necessary for the efficient conduct of the Government; and (e) to eliminate overlapping and duplication of effort.

Mr. Chairman, it is perfectly clear this amendment with the department of welfare included is not germane to the first section of the bill.

The CHAIRMAN. The Chair is ready to rule.

The department of public welfare is contained in the Senate bill. It was also contained in the title which was stricken out on the point of order, and in the opinion of the Chair is germane to the bill under consideration.

Mr. TABER. Mr. Chairman, if the Chair will permit, the welfare department was not contained in title I of the bill that was stricken out.

The CHAIRMAN. The Chair stated that the welfare department is a part of the Senate bill and was in title I that was stricken out by a point of order.

So far as that point of order is concerned, the Chair overrules it.

The objectionable language which was conceded by the chairman of the special committee and to which the Chair sustained the point of order heretofore raised by the gentleman from New York, has been removed in the amendment offered by the gentleman from Missouri, and the Chair therefore overrules the point of order.

Mr. WARREN. Mr. Chairman, I offer a committee amendment to the pending Cochran amendment.

The Clerk read as follows:

Committee amendment: On page 43, line 25, insert after the semicolon the following:

"(3) Section 4030 amended (U. S. C., 1934 ed., title V, sec. 126) is amended by changing the period at the end of the section to a comma and inserting thereafter the following: 'or to abolish or transfer the Office of Education of the Department of the Interior and/or any of the functions thereof.'"

On page 44, line 1, change the (4) to (5).

Mr. WARREN. Mr. Chairman, this is to carry out the first amendment the majority members of the committee agreed upon and assured the House would be presented. This specifically exempts the Office of Education. As the House knows by this time, the mere word "education" in the

standards set up in a part of this bill by no stretch of the imagination could ever have extended to any form of Federal control over education.

In that connection, Mr. Chairman, I am authorized by the President of the United States to read to the House a telegram sent from Chicago, dated today, and received at 12:10 p. m. It is addressed to the President and reads as follows:

As a result of my own investigation gathered from reliable and informed sources I cannot find that the welfare or freedom of the Catholic Church is in any way menaced by the pending reorganization bill. My sole purpose in stating this to you is because we have been drawn into the discussion and my personal knowledge of your fairness to us would render any such action quite impossible on your part.

CARDINAL MUNDELEIN.

[Applause.]

Mr. Chairman, I ask for a vote on the amendment to the amendment.

Mr. GIFFORD rose.

The CHAIRMAN. For what purpose does the gentleman from Massachusetts, a member of the committee, rise?

Mr. GIFFORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GIFFORD. Mr. Chairman, if the amendment offered by the gentleman from Missouri, as amended by the amendment offered by the gentleman from North Carolina, is adopted, will there be opportunity for other amendments to the amendment to be offered?

The CHAIRMAN. The Chair may state in answer to the inquiry that the adoption of the amendment offered by the gentleman from Missouri [Mr. COCHRAN] would preclude the offer of other amendments to title I. After action upon the amendment offered by the gentleman from North Carolina it will be in order for other Members who so desire to offer amendments to the Cochran amendment.

Mr. STACK rose.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. STACK. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. STACK. Can I be heard on this amendment, Mr. Chairman?

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. STACK. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes in opposition to the amendment.

Mr. STACK. Mr. Chairman, the debate on this so-called reorganization bill is getting very bitter in some cases to the extent that some of us have been called ugly names—of course, off the record—and some have questioned the motives behind our opposition to this bill. As far as I am concerned, calling me names will have no effect on me, and I am telling the Committee and the Nation that my main motive and reason for my opposition to this bill is that I think that if the bill is passed it will make this country un-American and God knows I did not plow through the mud of France and spill my blood on the soil of Flanders Field to tear down Old Glory and the constitutional government that the early fathers suffered for.

Mr. SABATH. Mr. Chairman, I make the point of order the gentleman is out of order and is not speaking to the amendment.

The CHAIRMAN. The Chair recognizes that in debate the utterances of gentleman should be looked at from a liberal angle. The Chair is confident the gentleman from Pennsylvania will proceed in order.

Mr. STACK. Now, ladies and gentlemen of the Committee, there are other reasons, the soundness of which is self-evident why I am against this bill. The distinguished chairman of the Rules Committee, whom I like to call my friend, the Honorable JOHN O'CONNOR, is against this bill. Surely to God he can have no hidden motive for his vote and his action, because the prudent political thing for him to do would be to keep his 100-percent support of President Roose-

velt intact. His motive for being against this bill, as he has stated here in the House, is not because he is anti-Roosevelt but because he does not think the bill should be considered and passed, at least just now.

My distinguished friend, CLIFF WOODRUM, who so well and ably represents his district in Virginia, another stalwart so-called organization man, is against this bill because, I think he said, he did not think his people wanted the bill; and after all, ladies and gentlemen of the Committee, you and I are supposed to be the mouthpieces of the people here in the Halls of Congress, and if Mr. WOODRUM, in line with his conscientious duties, says that he is going to vote against this bill because his people do not want it, that is another added motive why I am going to vote against this bill.

My distinguished friend from the great Lone Star State of Texas, Congressman LANHAM, in whose great committee, the Public Buildings and Grounds Committee, I had the pleasure to serve my first term here in the House, is against this bill. I know FRITZ LANHAM, I respect him, because I know and the people in his district know that his motive for voting for this bill is the motive of mature judgment and that he loves his country and my country above any so-called party-regularity argument.

My distinguished friend, BOB RAMSPECK, is against this bill and I do not know of any keener and analytically legislative mind here in the Halls of Congress. BOB RAMSPECK has the love and esteem of the membership of this House and certainly everybody will say that Bob is intellectually honest and that his vote against this bill will not be governed by any motive, but mainly by service to his country and his district.

Many other distinguished Members on my side of the House are against this bill. You will find their reasons and motives in the CONGRESSIONAL RECORD, but I am going to read part of the remarks of one Congressman who is opposed to this bill because I think he particularly hits the nail on the head. I refer to the remarks on page 4909 of the CONGRESSIONAL RECORD of April 6 of the distinguished gentleman from Michigan, from the City of the Straits, whom I call my very personal friend here in the House, with whom I became acquainted on the very first day when we were both sworn in for the first time as Congressmen, Hon. LOUIS RABAUT, the John McCormack of the Congress, and, of course, I mean the famous singer.

Mr. Chairman, may I have order?

The CHAIRMAN. The Chair is endeavoring to protect the gentleman. The Chair may suggest to the gentleman the Chair is trying to let the gentleman finish the quotation, because the gentleman's time has actually expired.

Mr. STACK. It will take just a half minute.

The regular order was demanded.

Mr. RAYBURN. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may be permitted to proceed for one-half minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STACK. Mr. RABAUT says, among other things:

This legislation comes as a result of the Brownlow report, is vicious and ruthless in its attempted rape on representative government.

LOUIS RABAUT asked you and me, my colleagues of the House, to stand on our feet and fight this attempted rape on representative government.

Mr. WARREN. Mr. Chairman, I rise merely to make a statement and call the attention of the committee to what we are confronted with from a parliamentary standpoint.

By reason of the fact that the point of order was sustained to title I, the gentleman from Missouri [Mr. COCHRAN] was required to offer an amendment, and therefore it is necessary that an amendment to that amendment be offered and disposed of before anyone else can possibly have a chance to offer another amendment. In the interest of orderly procedure, if we can get a vote now on the amendment which I have offered to the amendment, then we can pass on to the

others; and when the committee is through, those who have amendments that the committee may be opposed to can then offer their amendments, and there can be full discussion on them; but under proper procedure no other amendment to the Cochran amendment can be offered now.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. WARREN. Certainly.

Mr. TABER. This amendment prohibits the transfer of the Office of Education from the Interior Department and directs that it remain there. It does not, however, strike out from section 5—

Mr. WARREN. O Mr. Chairman, I have another amendment on that. The gentleman knows it has to be offered separately. I have the amendment right here waiting to offer it; and if the gentleman will permit a vote on this amendment, I shall then offer it.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, things are moving pretty fast these days.

Mr. HARLAN. Mr. Chairman, a parliamentary inquiry.

Mr. KNUTSON. Mr. Chairman, I do not yield for a parliamentary inquiry.

Mr. HARLAN. I make a point of order, then, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HARLAN. The point of order is, this is an amendment in the third degree being to an amendment that is now pending in committee.

Mr. KNUTSON. The gentleman's point of order comes too late.

The CHAIRMAN. The Chair has recognized the gentleman from Minnesota.

Mr. HARLAN. I make the point of order that the gentleman has the floor out of order.

The CHAIRMAN. The gentleman had already proceeded and the point of the gentleman from Ohio was advanced too late, and for that reason the Chair overrules the point of order.

Mr. KNUTSON. Mr. Chairman, little did any of us ever expect to see the day when a prominent prelate and a communistic comrade would march on to Washington arm in arm. I do not know that they are barefoot and alone, but they should be. On yesterday Comrade Browder was hoofing it around the office buildings calling on the more radical left-wingers.

Mr. HOUSTON. Did he call on you?

Mr. KNUTSON. He did not, thank God.

He was here in an attempt to line Members up for this reorganization bill. Today we have a prelate wiring the President of the United States in behalf of the measure. This bill seems to appeal to both the Communist and to the prelate, but I am sure the prelate does not speak for his church.

Mr. KELLER. Mr. Chairman, will the gentleman yield for a question?

Mr. KNUTSON. No; I do not yield to the gentleman from Illinois because he is just stalling and trying to obstruct orderly procedure.

Mr. KELLER. I just wanted to ask who the gentleman means, that is all.

Mr. KNUTSON. One of the particular objections that we on this side have to this legislation is that if it is put into effect it will be administered by Benny Cohen and Tommy Corcoran. We already have seen too much of the handiwork of these gentlemen, and everything that they have touched, everything that they have put out has had a blighting effect upon the country and its activities. These two gentlemen are as much responsible for the present depression as is the President; in fact, the three of them are the men who are primarily responsible for this new depression. I am not going to call it a recession because we are down to 1932 levels, and you called that a depression.

I hope we do not adopt a single amendment to this piece of legislation. Let us bring it to a vote as the committee brought it in and as it reflects the views of those who are trying to overthrow the Government, and then let us vote it down. Remember that 12 votes will change the result of what took place this afternoon.

Mrs. ROGERS of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentlewoman from Massachusetts will state the parliamentary inquiry.

Mrs. ROGERS of Massachusetts. After this is voted upon, I understand an amendment to exempt the Veterans' Administration from the provisions of the bill will be in order. I understand the gentleman from Indiana [Mr. GRISWOLD] is going to offer that amendment. I shall if the gentleman from Indiana does not. It that in order after this?

The CHAIRMAN. The Chair will state that is not the subject of a parliamentary inquiry.

Mr. BOILEAU. Mr. Chairman, I desire to offer an amendment in the form of a substitute.

Mr. WARREN. Mr. Chairman, I make the point of order that no substitute amendment can be offered for the amendment I have offered.

The CHAIRMAN. Does the gentleman offer the amendment as a substitute for the Cochran amendment?

Mr. BOILEAU. Yes.

The CHAIRMAN. The Clerk will report the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU as a substitute for the committee amendment offered by the gentleman from Missouri: On page 42, beginning in line 24, strike out lines 24 and 25, all of pages 43, 44, and 45, and lines 1 to 8, inclusive, on page 46, and insert in lieu thereof the following:

"That this act may be cited as the 'Reorganization Act of 1938.'"

"TITLE I—REORGANIZATION"

"PART I—POWER OF THE PRESIDENT"

"SECTION 1. (a) Title IV of part II of the Legislative Appropriation Act, fiscal year 1933, as amended (U. S. C., 1934 ed., title 5, secs. 124–132), is hereby reenacted and is amended in the following respects:

"(1) Section 401, as amended (U. S. C., 1934 ed., title 5, sec. 124), is amended by striking out the first paragraph and the words 'Accordingly, the' in the second paragraph and inserting in lieu thereof the word 'The';

"(2) Section 402, as amended (U. S. C., 1934 ed., title 5, sec. 125), is amended by inserting after the word 'establishment,' the words 'corporation owned or controlled by the United States,' and by changing the period at the end of the section to a comma and inserting thereafter the following: 'but shall not include, except as to the function of preparing estimates of appropriations, the Veterans' Administration, the Interstate Commerce Commission, the Federal Trade Commission, the Federal Power Commission, the Securities and Exchange Commission, the Federal Communications Commission, the National Labor Relations Board, the National Bituminous Coal Commission, the United States Maritime Commission, the Engineer Corps of the United States Army, the Coast Guard, the General Accounting Office, and the United States Tariff Commission.'"

"(3) Section 409, as amended (U. S. C., 1934 ed., title 5, sec. 132), is stricken out.

"(4) Section 407, as amended (U. S. C., 1934 ed., title 5, sec. 130), is amended by striking out all of said section and inserting in lieu thereof the following: 'Whenever the President makes an Executive order under the provisions of this chapter, such Executive order shall be submitted to the Congress while in session and shall not become effective unless within 60 calendar days after such transmission, Congress shall by joint resolution approve such Executive order or orders.'"

"(b) No Executive order issued by the President under the authority of subsection (a) of this section shall become effective unless transmitted to the Congress within 2 years from the date of the enactment of this act.

"PART 2—BUDGETARY CONTROL"

"Sec. 2. Section 2 of the Budget and Accounting Act, 1921 (U. S. C., 1934 ed., title 31, sec. 2), is amended by inserting after the word 'including' the words 'any independent regulatory commission or board and.'"

"PART 3—THE DEPARTMENT OF WELFARE"

"Sec. 3. There shall be at the seat of government an executive department to be known as the Department of Welfare, and a Secretary of Welfare, who shall be the head thereof, and shall be appointed by the President, by and with the advice and consent of the Senate, and have a tenure of office like that of the heads

of the other executive departments. Section 158 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 5, sec. 1), is amended to include such Department and the provisions of title IV of the Revised Statutes, including all acts amendatory and supplementary thereto, shall be applicable to such Department.

"Sec. 4. There shall be in the Department of Welfare an Under Secretary of Welfare and two Assistant Secretaries of Welfare who shall be appointed by the President, by and with the advice and consent of the Senate, and a Solicitor, who shall be appointed by the Secretary of Welfare, and all of whom shall exercise such functions as may be prescribed by the Secretary of Welfare or required by law.

"Sec. 5. The Secretary of Welfare shall promote the public health, safety, and sanitation; the protection of the consumer; the relief of unemployment and of the hardship and suffering caused thereby; the relief of the needy and distressed; the assistance and benefits of the aged and the relief and vocational rehabilitation of the physically disabled; and in general shall coordinate and promote public health, and welfare activities.

"Sec. 6. The Secretary of Welfare shall cause a seal of office to be made for his department, of such device as the President shall approve, and judicial notice shall be taken of such seal.

"Sec. 7. The Secretary of Welfare shall annually, at the close of each fiscal year, make a report in writing to the Congress, giving an account of all money received and expended by him and his department and describing the work done by the Department. He shall also from time to time make such special investigations and reports as he may be required to make by the President, or by the Congress, or as he himself may deem necessary.

"PART 4—GENERAL PROVISIONS

"Sec. 8. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title."

Mr. TABER. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TABER. Mr. Chairman, as I understand the amendment just read, it reenacts section 127 of section 404 of the old legislative act, to which the point of order was sustained.

Mr. BOILEAU. Mr. Chairman, in my hurry to get the amendment in at this time I omitted to put section 3 of the Cochran amendment into this amendment. I want now to offer it in an amended form. I concede the point of order at the present time and offer another substitute in place of what I offered a moment ago.

The CHAIRMAN. The Chair understands that the gentleman asks unanimous consent that so much of the Cochran amendment as was left out of the gentleman's amendment be included in his amendment.

Mr. BOILEAU. That is correct.

The CHAIRMAN. Is there objection?

Mr. MURDOCK of Utah. Mr. Chairman, I object.

Mr. BOILEAU. Then I offer it again, and it will have to be read over again.

The CHAIRMAN. Does the gentleman from New York insist upon the point of order?

Mr. MURDOCK of Utah. Mr. Chairman, I reserve the point of order if the gentleman does not.

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent in the substitute amendment that I have offered, on the second page thereof, to insert a paragraph 3 in the proper place, to read as follows, together with paragraph (2) of subsection (a):

(3) Section 404, as amended (U. S. C., 1934 ed., title 5, sec. 127), is amended by striking out the last sentence thereof.

Also, to change the next paragraph on the top to paragraph "(4)" instead of "(3)" and make the next one "(5)" instead of "(4)."

The CHAIRMAN. Is there objection?

Mr. MURDOCK of Utah. Mr. Chairman, I object.

Mr. BOILEAU. Then I offer the amendment.

Mr. TABER. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BOILEAU. Mr. Chairman, I offer the following amendment, which I send to the desk.

Mr. HARLAN. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. Does the gentleman offer his amendment in a perfected form?

Mr. BOILEAU. I offer it as a substitute for the Cochran amendment.

Mr. HARLAN. I make the point of order to the Boileau amendment as attempted to be amended.

The CHAIRMAN. As yet there is no amendment before the Committee, except the Cochran amendment and the Warren amendment. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

Mr. WARREN. Mr. Chairman, I make the point of order that that is an amendment in the third degree.

Mr. BOILEAU. I am offering my amendment as a substitute.

The CHAIRMAN. The Clerk will report the substitute amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Modified amendment offered by Mr. BOILEAU as a substitute for the committee amendment offered by the gentleman from Missouri: Page 42, beginning in line 24, strike out lines 24 and 25, and all of pages 43, 44, and 45, and lines 1 to 8, inclusive, on page 46 and insert in lieu thereof the following:

"That this act may be cited as the 'Reorganization Act of 1938.'"

"TITLE I—REORGANIZATION

"PART I—POWER OF THE PRESIDENT

"SECTION 1. (a) Title IV of part II of the Legislative Appropriation Act, fiscal year 1933, as amended (U. S. C., 1934 ed., title 5, secs. 124-132), is hereby reenacted and is amended in the following respects:

"(1) Section 401, as amended (U. S. C., 1934 ed., title 5, sec. 124), is amended by striking out the first paragraph and the words 'Accordingly, the' in the second paragraph and inserting in lieu thereof the word 'The.'

"(2) Section 402, as amended (U. S. C., 1934 ed., title 5, sec. 125), is amended by inserting, after the word 'establishment,' the words 'corporation owned or controlled by the United States,' and by changing the period at the end of the section to a comma and inserting thereafter the following: 'but shall not include, except as to the function of preparing estimates of appropriations, the Veterans' Administration, the Interstate Commerce Commission, the Federal Trade Commission, the Federal Power Commission, the Securities and Exchange Commission, the Federal Communications Commission, the National Labor Relations Board, the National Bituminous Coal Commission, the United States Maritime Commission, the Engineer Corps of the United States Army, the Coast Guard, the General Accounting Office, and the United States Tariff Commission.'

"(3) Section 404, as amended (U. S. C., 1934 ed., title 5, sec. 127), is amended by striking out the last sentence thereof.

"(4) Section 407, as amended (1934 ed., title 5, sec. 130), is amended by striking out all of said section and inserting in lieu thereof the following:

"Whenever the President makes an Executive order under the provisions of this chapter, such Executive order shall be submitted to the Congress while in session and shall not become effective unless within 60 calendar days after such transmission the Congress shall by joint resolution approve such Executive order or orders.

"PART 2—BUDGETARY CONTROL

"SEC. 2. Section 2 of the Budget and Accounting Act, 1921 (U. S. C., 1934 ed., title 31, sec. 2), is amended by inserting after the word "including" the words "any independent regulatory commission or board and".

"PART 3—THE DEPARTMENT OF WELFARE

"Sec. 3. There shall be at the seat of government an executive department to be known as the Department of Welfare, and a Secretary of Welfare, who shall be the head thereof, and shall be appointed by the President, by and with the advice and consent of the Senate, and have a tenure of office like that of the heads of the other executive departments. Section 158 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 5, sec. 1), is amended to include such Department and the provisions of title IV of the Revised Statutes, including all acts amendatory and supplementary thereto, shall be applicable to such Department.

"Sec. 4. There shall be in the Department of Welfare an Under Secretary of Welfare and two Assistant Secretaries of Welfare who shall be appointed by the President, by and with the advice and consent of the Senate, and a Solicitor, who shall be appointed by the Secretary of Welfare, and all of whom shall exercise such functions as may be prescribed by the Secretary of Welfare or required by law.

"Sec. 5. The Secretary of Welfare shall promote the public health, safety, and sanitation; the protection of the consumer; the relief of unemployment and of the hardship and suffering caused thereby; the relief of the needy and distressed; the assistance and benefits of the aged and the relief and vocational rehabilitation of the physically disabled; and in general shall coordinate and promote public health and welfare activities.

"Sec. 6. The Secretary of Welfare shall cause a seal of office to be made for his Department, of such device as the President shall approve, and judicial notice shall be taken of such seal.

"Sec. 7. The Secretary of Welfare shall annually, at the close of each fiscal year, make a report in writing to the Congress, giving

an account of all money received and expended by him and his Department and describing the work done by the Department. He shall also from time to time make such special investigations and reports as he may be required to make by the President, or by the Congress, or as he himself may deem necessary.

"PART 4—GENERAL PROVISIONS

"SEC. 8. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title."

Mr. MURDOCK of Utah. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK of Utah. As I understand it, the amendment just read is offered by the gentleman from Wisconsin as an amendment to his substitute; is that right?

Mr. BOILEAU. My first amendment was withdrawn.

The CHAIRMAN. It is offered as a substitute for the Cochran amendment.

The gentleman from Wisconsin is recognized for 5 minutes.

Mr. BOILEAU. Mr. Chairman, I regret that it is necessary to offer this amendment in this way, but in view of the fact that title I of the committee amendment was stricken from the bill on a point of order the amendment offered by the gentleman from Missouri [Mr. COCHRAN], became an amendment to the bill, and I am sure that I would not be able to get recognition to amend the Cochran amendment in view of the parliamentary situation, because the gentleman from Ohio [Mr. KNIFFEN], being a member of the committee, would get recognition to offer an amendment to the Cochran amendment and I would not then have an opportunity to offer an amendment to that amendment; and I am fearful I would not have an opportunity to present this matter to the House without using this means.

For the information of the House I may state that I have taken title I of the original committee amendment after adding that one paragraph struck out, section 404, because of the point of order made by the gentleman from New York; then I included the Veteran's Administration among the exemptions along with the Interstate Commerce Commission, the Federal Trade Commission, and others. Then, I have stricken from section 5 of the original draft which you have in your hands the words "the cause of education," and I have stricken out also in the same section in the last line thereof the word "education" to conform to the spirit of the committee amendment.

The gentleman from North Carolina offered an amendment to the committee amendment on education. I do not know what it means. I suppose it is all right; I do not know. I defy any Member of this House, except members of the committee, to tell me, and they can tell me in my own time, what it means. I do not know; you do not know. Then, after all these days of debate, we have been trying to get a copy of what amendment the committee intended to propose on the matter of the concurrent resolution provision. I have been trying day after day to get it, but have not been able to get it. I had not even seen it until a few minutes ago I was given the opportunity to look at it. It is so complicated that I have not been able to figure out what it means. I do not mean to criticize the gentleman from Ohio, for I know he has had a hard time trying to work out something they think is constitutional. I do not know what is in it, and I submit that you do not know. No copies have been available to those interested to study to find out what it does mean. I urge you to vote down any proposition that sends this back to the Congress for a negative veto through a concurrent resolution. I do not care how they try to work it out, it cannot be worked out so as to be constitutional.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOILEAU. They provide for a concurrent resolution. I want to quote the words of the President of the United

States in this letter written to the "unknown soldier" on the 29th of March. Here is what he said:

But there are two cogent reasons why the bill should go through as it is now drawn.

That was before the committee started working on it, started this operation; it should go through as it was then drawn, he said, because some of us here in the House have pointed out that that as the bill was drawn it would require the affirmative vote of two-thirds of the Members of both Houses to prevent the matter from going into operation. The committee has brought in some kind of concession. I feel very keenly about this matter, Mr. Chairman, and I submit that if we take the President's word we cannot vote for this proposal that will be offered by the committee in a little while because it still provides for a concurrent resolution. This is what the President of the United States said on March 29:

The first is the constitutional question involved in the passage of a concurrent resolution—

Listen to this—

which is only an expression of congressional sentiment.

I do not care how you sugar-coat it, I do not care if you put a chocolate covering on it, it is still a concurrent resolution; and the President of the United States says that such concurrent resolution is only an expression of the opinion of the House.

Here is what the President says in the next sentence:

Such a resolution—

Meaning a concurrent resolution—

cannot repeal Executive action taken in pursuance of a law.

That is straightforward language. I made the point the other day that whether this concurrent resolution is constitutional or unconstitutional is not of as great importance as is the fact that the President of the United States believes it to be unconstitutional; therefore he must do one of two things. He must admit that the statement made on the 29th of March was ill-advised and ill-considered and made at a time when an attempt was being made to force certain legislation upon this Congress, or else he must admit it is just as unconstitutional today as it was then.

Mr. Chairman, I say that in all fairness the President of the United States must withhold his signature from this reorganization bill, if passed.

My proposal provides that the Executive order reorganizing the departments of government should be transmitted to the Congress of the United States; that that Executive order shall not become operative, it shall not become effective, unless Congress by affirmative vote of a majority of both the House and Senate approves the Executive order. In that case it will be effective and become law. If the House or Senate should withhold approval or if they failed to act affirmatively and give approval, then the Executive order is worthless, meaningless, and does not go into effect. In other words, Mr. Chairman, it retains to the House and to the Senate the supreme authority and the supreme right to determine whether or not those Executive orders shall go into effect.

In reference to this concurrent resolution proposal, I confess that I am at a great disadvantage in discussing the committee's proposal because the members of that committee have been working so hard all these days trying to get something sugar-coated enough to fool us that they have not had it prepared in time to give the Members an opportunity to examine the amendment. We are helpless. We do not know what is in the proposal. Therefore, it is a little difficult for me to analyze it.

I do say, however, if the proposal provides for a concurrent resolution that will prevent the matter going into effect, the President of the United States can send an Executive order over to the Congress and, by unanimous vote of the Members of the House, we could disapprove that Executive order. It would go to the Senate, and if two, three, or four Senators over there were so disposed and were able to filibuster for a sufficient time to have 60 days elapse, then the reorganization

Executive order would go into effect, although it did not have the approval of more than three, four, or five Members of the other body.

Mr. LEAVY. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Washington.

Mr. LEAVY. I am very much interested in the Forest Service that has grown up in the Department of Agriculture. Under the gentleman's amendment, that could not be shifted, even though it is not excepted here, unless Congress took affirmative action?

Mr. BOILEAU. By both the House and Senate, by a majority vote, not a two-thirds vote.

Mr. GAVAGAN. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from New York.

Mr. GAVAGAN. Does the gentleman's amendment provide for a joint resolution or a concurrent resolution?

Mr. BOILEAU. A joint resolution. Bear in mind that we cannot have any fear of a Presidential veto, because he submits his proposal and he will certainly support his own proposal. If we approve the proposal it goes to him.

[Here the gavel fell.]

Mr. LAMNECK. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to proceed for 5 additional minutes.

The CHAIRMAN (Mr. COOPER). Is there objection to the request of the gentleman from Ohio?

Mr. LESINSKI. Mr. Chairman, I object.

Mr. WARREN. Mr. Chairman, I rise in opposition to the substitute amendment offered by the gentleman from Wisconsin.

Mr. Chairman, the gentleman from Wisconsin [Mr. BOILEAU] is a very able and courageous Member of the House. I am proud to be one of his friends, and on many occasions he has shown me courtesies and has been of great help on legislation in which the people of my section were greatly interested. To show you what I think of him, after this thing is all over, I am going to take him fishing with me.

Mr. Chairman, a strange change has come over our friend from Wisconsin. It has been all arranged and understood by those on the Republican side that he would front for them on this proposition. I will tell you what is the matter with our friend from Wisconsin. He has got the Senate itch, and whenever a Member of the House of Representatives thinks about that body over there and how to get there, he then begins to lose all sense of proportion. [Laughter and applause.]

The strange part of this whole proposition is that the gentleman from Wisconsin on August 13 last year was an enthusiastic supporter of title I of this bill.

Mr. BOILEAU. Will the gentleman yield?

Mr. WARREN. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. The gentleman himself will offer amendments and thereby admits that since last August things have changed so that they have to be corrected. The gentleman himself is going to offer amendments.

Mr. WARREN. But not the kind of amendments the gentleman is offering, which would tear the very heart and soul out of the bill.

Mr. MICHENER. Will the gentleman yield?

Mr. WARREN. I refuse to yield. I only have 5 minutes.

Mr. Chairman, here is the proposal in a nutshell. Section 3, article II, of the Constitution of the United States provides that he, the President, shall from time to time give to the Congress information on the state of the Union and recommend for their consideration such measures as he shall judge necessary and expedient. That is the constitutional duty of the President of the United States. If the amendment offered by the gentleman from Wisconsin is agreed to, he actually seeks by statute to limit what the Constitution already gives to the President. Any such attempt to provide a limitation of that kind is in itself unconstitutional.

The Kniffin amendment will be offered after there is a vote on this proposition. The Kniffin amendment provides

that if Congress so desires it may stop any Executive order by concurrent resolution within a 60-day period. I assure the House, as you will be told later in this debate, that amendment has been so prepared, so carefully drawn, so expertly drawn, if you please, that it has tied up this delegation of power and made it one of the standards of the bill by which the President of the United States is to act in these consolidations. The right to disapprove by concurrent resolution is a part of the grant of power, a condition on which the exercise of the power depends.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. WARREN. No; I have only a minute more.

Mr. TABER. I will ask that the gentleman's time be extended.

Mr. WARREN. I decline to yield now.

Adopt the Boileau amendment and you have destroyed the bill. There is no use mincing any words about that. The President has today all the power the Boileau amendment seeks to give him. The President can send here of his own volition and accord any form of consolidation or reorganization he sees fit to recommend, under the power granted him by the Constitution. The gentleman from Wisconsin not only attempts to forestall that, but tries to place a limitation itself on the power already held by the President.

We will offer as a committee amendment, with all the argument and force of law behind it, an amendment that meets every reasonable objection that has been raised in this House on that particular point. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER to the substitute amendment offered by Mr. BOILEAU: On page 45, line 11, strike out "the relief of unemployment and of the hardship and suffering caused thereby; the relief of the needy and distressed", in line 13.

Mr. TABER. Mr. Chairman, I have offered this amendment to the substitute amendment so we may get out of this bill the permanent authorization of appropriations for relief. A year ago the President of the United States was in favor of keeping that sort of thing down. We have nothing whatever to indicate the President has changed his mind. Even the Senate bill was so drawn that it did not authorize additional appropriations. It simply concentrated in the welfare department activities that were already authorized by law. However, this bill is so broad that it carries with it a permanent authorization of appropriations for relief.

We ought not to embark on that kind of a policy at this time. It is dangerous. It will get us into a situation where anyone may offer an amendment for any amount on any appropriation bill, and where it will be germane to call for appropriations for relief without consideration by any committee of Congress. I do not believe the House wants to abdicate in that way its function of authorizing things that are to be done. Such a provision will throw the bars down and will encourage and promote the continuance of that activity beyond its need and beyond the necessity of meeting the requirements of the Government.

Mr. KELLER. Mr. Chairman, will the gentleman yield for a question?

Mr. TABER. I cannot yield at this time. I do not have the time.

It is absolutely necessary that we get to an end of that activity, Federal relief, whenever we can. I do not oppose honest, legitimate appropriations for relief, but let us authorize them when they are needed instead of giving here a blanket authorization which permits any Member to offer such an amendment on the floor of the House. I hope this committee will adopt this amendment to the substitute and put a stop to letting the bars down and throwing the thing wide open. I hope the Committee will adopt this amendment and give us at least some kind of help in this situation.

Mr. MEAD. Mr. Chairman, I rise in opposition to the amendment to the substitute amendment.

Mr. Chairman, my distinguished colleague, the gentleman from New York, has just proposed an amendment which will cut the very heart out of the proposed department of welfare. Your affirmation of his effort will have a very decided effect upon certain functions and social activities in which we are all concerned. He would make it impossible for us to aid in the social services stricken from the bill by his amendment. We would not be able to take care of the needy, the unemployed, and those in need of relief.

May I read the language contained in the amendment which has been presented by the gentleman from North Carolina [Mr. WARREN]? The language of this amendment is understandable. There is nothing difficult about it and nothing is hidden in this language. We believe it is superior to the language contained in the bill, because it does not advocate the promotion of education and the promotion of various other activities that would be centralized in this department. This amendment merely calls upon the head of that department to administer the law rather than to promote the cause of this, that, or the other activity.

Here is the language of the Warren amendment:

The secretary of welfare shall administer the laws regulating to any agency or function transferred to, or brought within the jurisdiction and control of, the department of welfare pursuant to law—

Leaving the implication that no promotion is expected on the part of the department, but that the department is to carry out and administer the law as enacted by the Congress of the United States.

Then the amendment goes on to explain that those laws—

Relate to public health and sanitation, the protection of the consumer, the relief of unemployment and of the hardship and suffering caused thereby, the relief of the needy and distressed, the assistance of the aged, and the relief and vocational rehabilitation of the physically disabled: *Provided*—

And this is important—

That nothing in this section shall be construed to authorize the continuation of any temporary agency or function beyond the period authorized by law.

I now want to say to you as one interested in the development of these very necessary and essential functions of government, as one believing in their proper housing within a proper department, as one who believes this country must make some progress along this line in following the trend, and the age, and the progress of other nations of the world, I believe the language proposed by the gentleman from North Carolina [Mr. WARREN], to be superior. I believe his amendment should meet with your approval. I believe it is orderly and rational and will not tie the hands of the Congress as would the proposal offered by my colleague the gentleman from New York [Mr. TABER]. So I plead with you to stand by the committee in this connection. [Applause.]

[Here the gavel fell.]

The CHAIRMAN (Mr. COOPER). All time has expired—

Mr. FISH. Mr. Chairman, I rise in favor of the Boileau amendment.

The CHAIRMAN. All time has expired on the amendments now pending.

The question is on the amendment offered by the gentleman from North Carolina [Mr. WARREN] to the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

Mr. FISH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FISH. When was it agreed upon to limit debate?

The CHAIRMAN. We are proceeding under the rules of the House and the time for debate on all the pending amendments has been exhausted.

Mr. SNELL. Mr. Chairman, if I may be heard for one-half minute, there was a definite understanding that they would be liberal and that they would not move to cut off debate until Members having legitimate arguments had an opportunity to be heard on each one of these amendments, and I insist on that agreement being carried out.

Mr. WARREN. Mr. Chairman, there is no desire to cut off debate. We merely want to vote on the amendment

because they are the only amendments that can be pending at one time.

Mr. SNELL. I call upon the chairman of the committee who made that agreement in public session here, that we would have ample debate and that anybody who wanted to legitimately argue on any question would have an opportunity to do so.

Mr. COCHRAN. Does the gentleman deny the fact that there has been ample debate here today?

Mr. SNELL. Yes, I do; because Members want to discuss the Boileau amendment.

Mr. COCHRAN. If the rules permit them to be recognized, I am willing to have them heard.

Mr. SNELL. They will be heard unless you give orders to have them cut off.

Mr. COCHRAN. The gentleman from Missouri cannot override the rules of the House.

Mr. SNELL. Well, I know something about the rules of the House myself.

Mr. PATMAN. The regular order, Mr. Chairman.

The CHAIRMAN. The regular order has been demanded.

Mr. SNELL. We have continually gone beyond the regular order under the 5-minute rule, and the Chairman knows that has been a precedent in this House, certainly to my knowledge, for many years.

The CHAIRMAN. And the Chair knows that the gentleman from New York fully understands how that might be accomplished if it were sought to be done.

Mr. SNELL. I do understand that and I know it has always been within the province of the Chair to so rule, and it was definitely understood yesterday we were not going to be shut off from debate.

Mr. POWERS. Mr. Chairman, will the gentleman from New York yield for me to point out to him what the Chairman of the Committee said on April 5?

Mr. SNELL. Yes; I know what the Chairman of the Committee said.

The regular order was demanded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WARREN] to the amendment offered by the gentleman from Missouri [Mr. COCHRAN]. Those in favor of the amendment will say "aye" and those opposed "no."

Mr. TABER. Mr. Chairman, a point of order—that is not the question before the Committee.

The CHAIRMAN. The ayes appear to have it.

Mr. TABER. Mr. Chairman, I appeal from the decision of the Chair. My amendment has not been put and that is first in order.

The CHAIRMAN (Mr. COOPER). If the gentleman will kindly indulge the Chair a moment, the rules provide that the first vote shall be on the amendment to the amendment. After that is disposed of, any other amendments that may be offered to the amendment will be disposed of. After those are disposed of, then the question recurs on amendments to the substitute, *seriatim*, in the same way.

In order that there may be no doubt about it, if the Chair may be indulged a moment, the Chair will invite attention to page 2 of Cannon's Precedents of the House. At the top of that page appears a diagram pointing in unmistakable terms to the parliamentary situation now before the committee.

Amendments to the amendment are disposed of before the substitute is taken up. Only one amendment to the amendment is in order at this time, but as rapidly as one is disposed of, by rejection or incorporation as a part of the amendment, another is in order as long as any Member desires to offer one. Amendments to the substitute are next voted on and may be offered *seriatim* as fast as disposed of until the substitute is perfected, and so on.

Mr. SNELL. Mr. Chairman, I ask unanimous consent that the amendment that we are about to vote on be again reported to the House.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from North Carolina [Mr. WARREN],

to the amendment offered by the gentleman from Missouri [Mr. COCHRAN] will be reported by the Clerk.

The Clerk again reported the Warren amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KNIFFIN. Mr. Chairman, I offer the following amendment, which I send to the desk, to the Cochran amendment, and ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 5 additional minutes. Is there objection?

Mr. WADSWORTH. Mr. Chairman, I reserve the right to object, in view of the request, and personally under no other circumstances would I ever object, but may I call the attention of the gentlemen of the Committee, and especially the gentleman from Missouri [Mr. COCHRAN] to what he said day before yesterday on page 4775 of the RECORD:

I hope there will be no effort to shut anyone off under the 5-minute rule.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. Yes.

Mr. COCHRAN. Does the gentleman say that in any way I have attempted to shut anybody off?

Mr. WADSWORTH. The gentleman from Missouri knows perfectly well that he and his colleagues on this committee are leading the majority side at the present time. I cannot in any instance change the rules of the House myself, and that the Chairman presiding over the Committee would not invoke the technical rule.

Mr. COCHRAN. Mr. Chairman, I really wish that the gentleman from New York were correct, that our Committee is leading those on the majority side at the present time. I cannot in any instance change the rules of the House myself, and the gentleman from New York knows that as well as anybody else.

Mr. TABER. Mr. Chairman, further reserving the right to object, the application on the part of the gentleman from Wisconsin [Mr. BOILEAU] to have a little more time was denied, when he had a very important subject under discussion. The rule ought to work both ways. If one extension is granted then when somebody has an amendment contrary to the ideas of the committee, and wants an extension, that extension should be granted. It ought to work both ways. I am quite willing to have the gentleman from Ohio [Mr. KNIFFIN] have the extra time, but I would like to have an understanding on the subject with the chairman of the committee.

The CHAIRMAN. The Chair will not hesitate to submit an amendment or any request for unanimous consent. The Chair does invite attention to the provision of the rule:

Pro forma amendments are not in order on amendments to the amendment or amendments to the substitute, as they would in either case constitute amendments of the third degree.

Mr. TABER. But that was not the question that I raised.

The request was made that the gentleman from Wisconsin [Mr. BOILEAU] have 5 additional minutes.

The CHAIRMAN. If the gentleman will permit, the gentleman from Wisconsin had 5 additional minutes, and later requested 5 more.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. COCHRAN. The gentleman from Wisconsin [Mr. BOILEAU] had 10 minutes. I did not object, and whoever did object to a further request certainly did not object at my request. I was perfectly willing that the gentleman should have 5 additional minutes.

Mr. GIFFORD. Mr. Chairman, I reserve the right to object. The gentleman has a very important matter to discuss. I ask unanimous consent that the gentleman's amendment may be discussed for 40 minutes, 20 minutes on a side.

Mr. SABATH. Mr. Chairman, I demand the regular order.

Mr. SNELL. Mr. Chairman, if we cannot have a discussion here, I shall object. We might as well have an understanding here as to going on further, of whether there will be a reasonable debate allowed on each one of these propositions. The Chairman of the Committee assured me yesterday that we would have that.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. SNELL. If I had the floor.

The CHAIRMAN. If the gentleman will permit, the Chair inquires of the gentleman from Ohio [Mr. KNIFFIN] whether he yields to the gentleman from Massachusetts [Mr. GIFFORD] to submit the unanimous-consent request stated by him?

Mr. SNELL. I think we ought to have a definite understanding. [Cries of "Regular order!"] Oh, never mind your "regular order." You will get plenty of that.

The CHAIRMAN. The regular order is demanded by the gentleman from Ohio [Mr. LAMNECK]. The regular order is, Is there objection to the request of the gentleman from Ohio [Mr. KNIFFIN]?

Mr. LAMNECK. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LAMNECK. I make the point of order, Mr. Chairman, that the gentleman from Ohio has not been recognized; his amendment has not even been read. It was not, therefore, out of order to yield to somebody over here to ask a question.

The CHAIRMAN. The gentleman from Ohio had been recognized to submit a request, which he has submitted and which the Chair in turn has submitted to the House.

Mr. COCHRAN. Mr. Chairman, will the gentleman from Ohio yield to permit me to submit a unanimous-consent request?

Mr. KNIFFIN. I yield.

Mr. COCHRAN. Mr. Chairman, this is a very important amendment. I ask unanimous consent that debate on this amendment may extend for 40 minutes, 20 minutes to be controlled by the gentleman from Ohio [Mr. KNIFFIN] and 20 minutes by the gentleman from New York [Mr. TABER].

Mr. SABATH. That is 20 minutes a side.

Mr. COCHRAN. Yes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that debate on the pending amendment to the amendment be confined to 40 minutes, one-half of the time to be controlled by the gentleman from Ohio [Mr. KNIFFIN], the author of the amendment, and the other half to be controlled by the gentleman from New York [Mr. TABER]. Is there objection?

Mr. CROSSER. Mr. Chairman, reserving the right to object, I think this is one of the most important subjects in this whole bill. Twenty minutes is not enough time in which to discuss the matter fully.

The CHAIRMAN. If the regular rules are to be followed, of course, there will be but 10 minutes' debate.

Mr. CROSSER. I was just making an appeal for more liberal time.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. PETTENGILL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield to permit me to submit a unanimous consent request?

The regular order was called for.

The CHAIRMAN. The regular order is called for. The regular order is: The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KNIFFIN: On page 43, line 25, insert after the semicolon the following:

"(3) Section 403, as amended (U. S. C., 1934 ed., title 5, sec. 126), is amended by striking out the present section and inserting in lieu thereof the following:

"Sec. 403. Whenever the President, after investigation, shall find and declare that any regrouping, consolidation, transfer, or abolition of any executive agency or agencies and/or the functions thereof is necessary to accomplish any of the purposes set forth in section 401 of this title, he may by Executive order, unless such Executive order is disapproved within 60 days by concurrent resolution of the Congress as provided in section 407 of this title.

"(a) Transfer the whole or any part of any executive agency and/or the functions thereof to the jurisdiction and control of any other executive agency;

"(b) Consolidate the functions vested in any executive agency; or

"(c) Abolish the whole or any part of any executive agency and/or the functions thereof; and

"(d) Designate and fix the name and functions of any consolidated activity or executive agency and the title, powers, and duties of its executive head; except that the President shall not have authority under this title to abolish or transfer an executive department and/or all of the functions thereof."

"(4) Section 407, as amended (U. S. C., 1934 ed., title 5, sec. 130), is amended by striking out all of the section and inserting in lieu thereof the following:

"Sec. 407. Whenever the President makes an Executive order under the provisions of this title, such Executive order shall be submitted to the Congress while in session and shall become effective upon the expiration of 60 calendar days after the date of such transmission unless the Congress shall by law provide for an earlier effective date: *Provided*, That if the Congress shall adjourn prior to the expiration of 60 calendar days after the date of such transmission such Executive order shall not become effective until the expiration of 60 calendar days from the opening day of the next succeeding regular or special session: *Provided further*, That if the Congress prior to the expiration of such 60-day period shall, by concurrent resolution, find that such Executive order or any part thereof is not in the public interest, such Executive order shall, to the extent of such finding, not become effective."

And on page 44, line 1, change "(3)" to "(5)."

The CHAIRMAN. The gentleman from Ohio [Mr. KNIFFIN], is recognized for 5 minutes.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield to permit me to submit a unanimous-consent request?

Mr. KNIFFIN. I yield for that purpose.

Mr. PETTENGILL. Mr. Chairman, I ask unanimous consent that time for debate on the amendment offered by my distinguished friend from Ohio be extended to 60 minutes, 30 minutes to be controlled by himself and 30 minutes to be controlled by the gentleman from New York [Mr. TABER].

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. SCHULTE. Mr. Chairman, I object.

Mr. PETTENGILL. Mr. Chairman, the gentleman from Ohio having yielded to me, I now move that time for debate on the Kniffin amendment be extended to 1 hour, of which 30 minutes shall be controlled by the gentleman from Ohio [Mr. KNIFFIN] and 30 minutes by the gentleman from New York [Mr. TABER].

Mr. BOILEAU. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BOILEAU. Mr. Chairman, I make the point of order that such a motion is not in order. I do not object to there being additional time for debate, but I like to see the rules followed.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KNIFFIN. Mr. Chairman, the Select Committee on Government Reorganization, of which I have the honor to be a member, has authorized me to offer this amendment.

Mr. Chairman, in offering this amendment I am actuated by the conviction that the Congress cannot delegate its legislative authority and that the vast majority of American citizens are opposed to an attempt to absolutely vest legislative authority in the President. Fortunately, however, the aims and purposes of title I as set forth in the pending measure can be accomplished without vesting such authority.

A dozen Presidents perhaps have warned against encroachment upon the three spheres of power. That many Presidents have strongly urged reorganization. The purposes set forth in title I of this measure can be carried forward without violating any of the boundaries fixed by the Constitution between the three branches of our Government. Moreover, I am persuaded that effective reorganization can only be had if we vest in the President, subject to proper safeguards, the right to regroup, investigate, transfer, and abolish executive agencies and parts of or all of the functions thereof, for the reason that the President of the United States is eminently better informed as to the work of the executive branch than any other person.

The question of constitutionality has been brought up. That question has become the storm center of the controversy over title I of this measure. It presents a profoundly interesting question, but one which to my mind is perfectly clear, because the Congress has the right to delegate to its agent the power to regulate any subject matter which the Congress itself may regulate by legislative enactment, provided it declares a policy and lays down a definite standard to be followed by such agent in the exercise of that delegated authority. This amendment does that very thing, and prevents our agent, in this instance the President of the United States, from substituting his will for the will of the Congress, and I submit it is constitutional.

[Here the gavel fell.]

Mr. MEAD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 15 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GIFFORD. Mr. Chairman, reserving the right to object, and I shall object unless there is some other understanding about how the time will be divided.

Mr. MEAD. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. KNIFFIN] may proceed for 15 additional minutes and that 20 minutes be allotted to the gentleman from New York [Mr. TABER] in opposition to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Will the gentleman yield?

Mr. KNIFFIN. I yield to the gentleman from New York.

Mr. SNELL. Will the gentleman explain to the House how his amendment disagrees with the authority given to President Hoover under the 1932 act?

Mr. KNIFFIN. There was no limitation containing a definite standard in that act.

Mr. SNELL. Where is the limitation of definite standard in this act?

Mr. KNIFFIN. In the second proviso and it is also embodied by reference in the granting clause of section 403. Both sections have been rewritten.

Mr. SNELL. That is very indefinite as far as I am concerned.

Mr. KNIFFIN. Mr. Chairman, in this amendment section 403 is amended so as to enjoin upon the grant of power to the President the limitation contained in the proviso at the end of section 407.

By the adoption of this amendment you will make clear that the President, as the agent of the legislative branch, will exercise legislative rather than executive powers. We appoint the President as our agent to do what Congress alone has the primary right to do, but we put a restraining hand on our agent's shoulder by laying down standards to guide him and by reserving and delegating to the Congress—Senate and House—the right to find, before his acts become effective, whether or not his order is in the public interest. Will anyone seriously contend that when an agent is appointed that the principal cannot reserve the right to find whether or not he violated his power of agency before the effect of his act is signed, sealed, and delivered? There can be no doubt about it, because a limitation is a condition upon the grant of power and is a part of the grant. In this connection assurance has been made doubly sure by amending section 403. The power therefore cannot possibly become effective until the condition is met.

There is a distinction between the term "concurrent resolution" as used as a parliamentary process in the Congress and the term as used in section 403 of this amendment.

I have taken this device known as a concurrent resolution and have used it to define the limitation upon the grant of power.

Mr. Chairman, reference has been made to the President's letter by my distinguished colleague from Wisconsin. I agree with the statement contained in the President's letter insofar as it deals with a concurrent resolution as a par-

liamentary process. To be sure, the Congress cannot by concurrent resolution repeal the Revenue Act of last year, nor void Executive orders issued in pursuance of an unconditional grant of many years ago. I do not contend that. That has reference to past laws and there are other reasons why it might not be constitutional. The President is a part of the lawmaking machinery of the land as well as both Houses of the Congress. This is a law, however, that is in the making, of which a concurrent resolution is an integral part. The power to be drawn by our fact-finding agent from the law flows from no one or more parts of the law but from the whole law, the whole act, including the concurrent-resolution provision.

This condition permeates the proposed law and is so tied into the ribs of the authority conferred that when the power granted breathes due regard must be had for the limitation. It retains in the Congress, where it belongs, the right to find by majority vote of both Houses, without being subject to a Presidential veto, whether the agent acted in the public interest, as appears in the second proviso, which is the definite standard prescribed in this amendment.

I have a number of authorities upon which I will not have time to comment, but this is the leading authority.

In *Hampton & Co. v. United States* (276 U. S. 394), a leading case on this question, the Supreme Court quoted with approval the following excerpt from the opinion of Judge Ranney, of my State, in *Cincinnati, Wilmington & Zanesville Railroad Co. v. Commissioners* (1 Ohio Stat. 77, 88):

The true distinction, therefore, is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first cannot be done; to the latter no valid objection can be made.

The point that Judge Ranney makes in this quotation is that the standard prescribed must be sufficiently definite so as to leave no discretion in the officer to whom the power is delegated to determine what the law shall be. The officer becomes nothing more than a fact-finding officer. Upon an announcement of his findings the statute operates automatically, and the legislature, in the final analysis, makes the law.

Thus, under the provisions of the Interstate Commerce Commission Act, Congress has delegated power to the Interstate Commerce Commission to determine and prescribe "just and reasonable" railroad rates. The standard to guide the Commission in the fixing of such rates is the phrase "just and reasonable." The Supreme Court has repeatedly held that this phrase is adequate to guide the Commission in the exercise of its rate-making authority.

On the other hand, in *Schechter Poultry Corporation v. United States* (295 U. S. 495), the delegation of authority to the President to approve codes of fair competition—the standard of "fair competition"—embodied in the power and delegated to the President to approve codes of fair competition was held to be so indefinite as to give the President authority to determine what the law should be. No one knew what fair competition meant. It was a term unknown to the common law, and its meaning had not been fixed by statute, usage, or court decisions.

Again, the proposed amendment to the reorganization bill referred to in the recent letter of the President as being unconstitutional is one which would grant authority to a majority of the two Houses of Congress to set aside an Executive order by concurrent resolution. I concede that such a resolution would be unconstitutional, because it would not contain any standard to guide the agent in the exercise of its delegated power. Having delegated authority to the President to reorganize executive agencies, and having prescribed adequate standards to guide the President in the exercise of the delegated power, Executive orders issued by the President would have the force and effect of law and could be set aside only by action having similar force and effect. In authorizing a majority of its Members to disapprove Executive orders by such a concurrent resolution, the Congress would not be reserving to itself any power but would be delegating power to a majority of its Members to

disapprove Executive orders. Therefore the delegation of such power to a majority of its Members would be unconstitutional in the absence of an adequate standard to guide the majority in the exercise of the delegated power.

Any resolution designed to accomplish this purpose, be it concurrent, joint, or any other kind, if there be such, without such a standard to guide the fact-finding agency in the exercise of that authority is unconstitutional.

Thus, if a provision is inserted in the reorganization bill that the two Houses may set aside an Executive order by concurrent resolution, only if they find that the orders are not "in the public interest," the authority of the majority to set aside Executive orders could be exercised only within the limits of policy prescribed in the reorganization bill. Without the standard "public interest," the majority of the Members could disapprove Executive orders for any reason whatsoever. Such attempted authority would be a delegation of power by the Congress itself, including the President's participation by the signature of the act, to a majority of its Members to exercise legislative power by means of something less than an act of Congress, which would be unconstitutional. However, by the insertion of the standard "public interest" Congress prescribes a standard to guide the majority in the exercise of the delegated power and therefore is entirely constitutional.

In this connection, it must be remembered that the legislative power is vested by the Constitution, not in the Congress represented by the Senate and the House, but in the legislature represented by the Senate and the House and the President of the United States, who, in the making of law, is a part of the legislature under our Constitution. He becomes a part of the machinery. Thus when Congress attempts to reserve legislative power, it must reserve it not only to the Senate and the House, but also to the President. Therefore, when it delegates it to the two Houses and not to the President, it constitutes an unconstitutional delegation of power unless the Congress has prescribed an adequate standard to guide the two Houses in the exercise of that delegated power.

This is exactly the situation under the concurrent-resolution amendment referred to in the President's letter. There Congress would attempt to reserve the legislative power to the Senate and the House and not the other part of the law-making body, which is the President. Obviously, such a delegation would be unconstitutional unless Congress formulates a policy and prescribes an adequate standard, and I call attention to the Radio Commission and its functions, to the Federal Trade Commission, the Interstate Commerce Commission, the Tariff Commission, and I call attention to what the Supreme Court has said with reference to the standards.

The Radio Act of 1927 permits the Federal Radio Commission to grant licenses when public convenience, interest, and necessity require, upheld in the case of Commission against Nelson. In this case it was held, that the standard prescribed in that act, was sufficiently definite to prevent the Commission from substituting its will for that of the Congress as to what the law should be.

The Trading With the Enemy Act, which authorized the President to sell property seized under that act in any manner consistent with the public interest was upheld in *United States v. Chemical Foundation* (272 U. S. 1).

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. KNIFFIN. Yes; I shall be pleased to yield.

Mr. COX. I understand the point the gentleman is undertaking to make is that it is within the power of Congress to delegate authority to its agents to perform a function which is purely legislative, provided the Congress sets up standards which will operate as a guide to its agents?

Mr. KNIFFIN. Exactly.

Mr. COX. The gentleman makes the further point that it is within the power of Congress to impose a limitation upon the grant, such as is proposed in the gentleman's amendment; that is, that the action of the President in the

exercise of this delegated power may be set aside by a concurrent resolution of both Houses.

Mr. KNIFFIN. Provided an adequate standard is laid down to guide.

Mr. COX. But the gentleman is not contending that it is within the power of one Congress to bind a later Congress or that the Congress by the setting up of standards can control the conduct of a later Congress?

Mr. KNIFFIN. Oh, no; and this amendment does not attempt to bind a later Congress. [Applause.]

Mr. Chairman, the point has been raised that the proposed amendment to the reorganization bill authorizing disapproval of Executive orders by concurrent resolution by the two Houses of Congress is unconstitutional on the ground that it vests an executive function in the Members of Congress by authorizing them to participate in executive action.

It is true that the Supreme Court has held that the Legislature or Members thereof cannot be authorized to perform executive duties. Thus, in *Springer v. Philippine Islands* (277 U. S. 189), the Court was considering a statute of the Philippine Islands which placed the management of certain Government property under the control of a board consisting of the Governor General of the Philippines, the President of the Philippine Senate, and the speaker of the Philippine House of Representatives. The Philippine Organic Act embodied the doctrine of separation of powers in a manner similar to that of the Federal Constitution and the Court held that the management of governmental property being an executive function, the legislature could not thus "engraft executive duties upon a legislative office, since that would be to usurp the power of appointment" which was vested in the Executive.

In the Springer case, however, the law involved had already been completely made. All the details of the statute had been filled in by the legislature when it passed the law and no details were, therefore, left to the Board to fill in. The Board merely executed the provisions of the law. This is entirely different from the case where Congress in the statute declares its general policy and delegates authority to fill in the details of the statute to another officer. In the latter case the provisions of the law are not complete and the officer to whom the power is delegated consequently is exercising quasi-legislative power in filling in the details.

The principle of the Springer case, therefore, has no application to the question involved in the proposed amendment. My amendment would not confer upon the Congress a power which is executive in the constitutional sense, but would delegate to a majority of the two Houses a quasi-legislative function, namely, the power to pass upon the Executive orders of the President—to participate in filling in the details of the reorganization law as enacted by Congress. This is an entirely different type of power from that involved in the Springer case. The Supreme Court has indicated in *Humphrey's Executor v. United States* (295 U. S. 602) that where Congress delegates to an executive or other officer the power to fill in the details of a statute within the limits of the policy prescribed by Congress, that officer is not exercising executive functions but rather those which are quasi-legislative in character. Thus, in the Humphrey's case the Court held that the functions of the Federal Trade Commission were quasi-legislative and not executive. It also indicated that the functions of the Interstate Commerce Commission with respect to the fixing of rates, and so forth, were quasi-legislative and not executive.

Similar principles are laid down in *Morgan v. United States* (298 U. S. 468). In the latter case, the Court held that the functions of the Secretary of Agriculture in fixing maximum rates to be charged by market agencies for buying and selling livestock under the Packers and Stockyards Act were quasi-legislative. The Court said:

It is a proceeding looking to legislative action in the fixing of rates of market agencies. And . . . the order is legislative . . .

Under the principles of these latter two decisions, therefore, it is apparent that the President under title I of the bill, and likewise the majority of the two Houses of Congress under the proposed amendment, will be exercising quasi-legislative powers which are not of an executive nature in the constitutional sense. Both the President and the majority of the two Houses will be filling in the details in the statute within the limits of the policies prescribed by Congress. Under the amendment, the majority will be acting as an agent of Congress in passing upon Executive orders. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, this is truly an interesting situation. The President's letter informed us that a concurrent resolution would be clearly unconstitutional. The gentleman from North Carolina who read the President's letter also assured us with certainty that a concurrent resolution would be unconstitutional. Since then it appears that diligent search has been made of the scriptures of legal phraseology to find some way to preserve the concurrent resolution process and try to convince us that by the few added words it would be regarded as constitutional. They want to preserve this back-handed way of legislating on the President's proposals, and resort to their new method of lawmaking.

Legal phraseology and quotations from legal cases do not interest the American people at the moment. Which is the surer or the better way of preserving our rights in this bill? The Boileau amendment is the only amendment that really protects our rights, because it demands affirmative and complete action on what the President may determine. With only a 60-day period to pass a concurrent resolution, under the rules of the other body, they could bicker away 60 days easily and, of course, the recommendations of the President would be rubber-stamped in any Congress such as we have had during the last few years. This preservation of our legislative jurisdiction is the issue in this amendment. The idea that we might disapprove by concurrent resolution of the exercise of the power we freely give the President was clearly shown to be worthless. These added words regarding our disapproval within 60 days is a strained interpretation of limitation of the power to reorganize departments of Government.

Let us kill this back-handed method of protecting ourselves, when there is a direct method, the usual method of affirmative approval, not simply a possible vote of disapproval.

We cannot understand why you insist with so much stubbornness to retain within this bill that which only 2 or 3 days ago you yourselves declared so completely unconstitutional.

There is another thing, Mr. Chairman, that worries me greatly, in spite of your President's letter read on the floor of this House that it would be unthinkable that any President after disapproval of the Congress by a concurrent resolution would proceed further, even though he had the constitutional right to do so. However, I read in the newspapers that the leader of the House on leaving the White House said, "But no matter what the President may have conceded, he will retain all his prerogatives in the matter." This is a reservation that might well be availed of if there were a slight difference of opinion between the two branches of this Congress.

We should be warned that the requirement of a concurrent resolution within 60 days, when many would offer resolutions disapproving of certain parts, would result in such a difference between the two branches that there could be no agreement within the time suggested. This new method is a highly dangerous proposition.

Mr. KNIFFIN. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes. The gentleman probably knows much more about this than I do, and I am glad to yield.

Mr. KNIFFIN. I call the gentleman's attention to something that I overlooked in speaking. If the Congress should

adjourn within a period of 59 days or 40 days, this amendment of mine provides that the 60-day period shall begin to run anew on the first day of the next regular or special session.

Mr. GIFFORD. Oh, everybody understands that. We have 60 days, while Congress is in session, to express our disapproval by concurrent action.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TABER. Mr. Chairman, I yield 1 minute more.

Mr. GIFFORD. We have delegated our power on many occasions recently. Take for instance the reciprocal-trade agreements. Was there anything about a concurrent resolution in that act wherein we might express our disapproval? No. This is the first attempt, and we suspect the motive. We do not want this unusual way of referendum. I want to insist, and I hope you do, upon distinct, affirmative action, the same as the Congress has always insisted upon. To my mind it does not smack so much of hidden motive as it smacks of stubbornness in trying to give to the Executive opportunity to get away from the Congress by the back door. This surrender of power is the heart of this bill. Economy would be important, if claimed in this bill, but its importance is not to be compared with this surrender of our sworn duties. I urge you to think carefully and not be led astray by the citation of legal cases to bolster up this contemplated action. We want something affirmative, and results of which there would be no doubt.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, this is the political bait that is graciously offered by the President to the Congress. This is the political alibi or excuse that Members who vote for this bill will present to their constituents. It is a flimsy alibi, it is a camouflage, it is only a trick and weak attempt to appease the wrath of the voters that is sure to follow against those who support this bill. This bill might change its title and read "The Slaughter of the Innocents," in those congressional districts north of the Mason and Dixon's line. It is all very well from the standpoint of the gentleman from North Carolina [Mr. WARREN] to lead the fight for this bill and further sacrifice and surrender powers of Congress, when he tells you right on the floor of the House that he has no opposition either in the Democratic Party or the Republican Party. It is all very well for the Speaker and the majority leader who have no appreciable opposition in either party, but this amendment is their camouflage and leaves them with an alibi when the people back home realize fully the utter abdication of Congress to the Chief Executive. What does it do? It means that we have to pass a concurrent resolution in both Houses of Congress. If the resolution fails in either House of Congress these reorganizations and consolidations are adopted and go into permanent effect. Every Member of Congress who has served here any length of time knows the difficulty and time required in legislating. He knows, moreover, that we face a difficult situation in this Congress. We have a President with a 4-to-1 majority in the House and a 5-to-1 majority in the Senate, backed by huge patronage, Federal funds, influence, and power. Does anyone really believe that this amendment means anything at all? All that will remain to do is to write above any committee that takes charge of these proposals of the President, "abandon hope all ye who enter here." There is not the slightest chance whatever, if this is put into effect, that any reorganization proposal of the President will ever be turned down. It is nothing but a political bait for those who are to be slaughtered at the polls, offered to them as an excuse or alibi why they voted for this bill, and against representative government.

What should the Congress do? The gentleman from Wisconsin [Mr. BOILEAU] has offered an amendment that would restore representative Government in this Congress

and to the people of the country. It would require an affirmative act by the Congress, or approval in both the House and the Senate of any of these reorganization proposals. For the last 4 or 5 years we have been surrendering and delegating away our power, abdicating to the President. The gentleman from Wisconsin has given us our first opportunity to action toward restoring the dignity, the prestige and the power of the House of Representatives. Are we to turn that down and thus admit that we are mere rubber stamps, as has been charged, that we do not believe any more in the three independent branches of the Government—the legislative, the executive, and the judicial? That is the single issue before the House. If we vote for this bill any Member from a district north of the Mason and Dixon's line will have to go back and face the American people and explain why he voted against representative Government and the maintenance of the three independent and separate branches of the Government, and why he voted to continue to surrender the legislative power of Congress to the President. The people of the United States are demanding just one thing. They say the time has come not to give the President of the United States any more power; that the time has come to take back and restore representative government in the Congress of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. PETTENGILL].

Mr. PETTENGILL. Mr. Chairman, in the limited time that has been granted, it will be impossible to enter into a discussion of the very serious constitutional question involved in the amendment offered by my highly respected friend from Ohio [Mr. KNIFFIN]. I shall pass the constitutional question although it is my firm conviction that the amendment is unconstitutional for the reason that the resolution disapproving an Executive order is legislative in character and cannot be made a concurrent resolution, without the signature or veto of the Executive. I shall attempt to analyze it for the purpose of showing how this House is abandoning its majority constitutional power in this matter. An Executive order is transmitted to Congress and someone will offer a concurrent resolution that the Congress disapproves of Executive Order No. 100, or whatever it may be.

That resolution necessarily will be referred to its appropriate committee. It may die there, for under the discharge rule you could not get it out of a hostile committee in 60 days if you tried. That is the first thing that prevents this House from acting in the matter, the fact that the resolution of disapproval may be buried in the committee. Let us assume, however, that it is brought out on the floor, a resolution disapproving Executive Order No. 100 as against the public interest. If the House disapproves it by a unanimous vote, 435 Members, that does not end the matter, because the disapproval requires the concurrence of the Senate; and although we have disapproved it by unanimous vote it goes over to the Senate, and if by one more than one-half of the Senate they refuse to disapprove it the Executive order goes into effect.

Mr. KNIFFIN. Mr. Chairman, will the gentleman yield right there?

Mr. PETTENGILL. In just a moment.

If 435 Members of the House disapprove and if 47 Members, or one less than one-half of the Senate also disapprove, a total of 482 votes of the representatives of the people in the House and in the Senate, the resolution of disapproval is not agreed to and the Executive order goes into effect. By 49 votes in the Senate approving the Executive order it goes into effect anyhow. In other words, the Kniffin amendment gives 49 Senators the right to overrule 482 Senators and Representatives. It places a majority at the mercy of a minority—a minority of 1 to 10, or 49 to 482. This is not only an abandonment, Mr. Chairman, of the constitutional majority right of this House to function, it is a possible abandonment of the unanimous right of this House to function.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. PETTENGILL. I yield.

Mr. MURDOCK of Utah. Does not the same apply to a joint resolution requiring a majority vote of the House and the Senate?

Mr. PETTENGILL. Yes; if it were a resolution of disapproval. That is the difference, and that is the whole difference. This calls for a resolution of disapproval, not a resolution of approval. The resolution will be worded: "Resolved, That the House and Senate by concurrent resolution disapprove of the Executive order", we will say to put T. V. A. in some other branch of the Government; or disapprove of an Executive order to abolish the National Labor Relations Board, or any other matter over which the President is given power; and although this House by unanimous vote disapproves, unless it wins the disapproval of a majority of the Senate, the Executive order goes into effect. Again I say that this transfers to 49 men in the Senate the right to prevent this House and one less than a majority of the Senate from making their disapproval effective.

Mr. SABATH. Is not that true of any other legislation we pass?

Mr. PETTENGILL. No, it is not, because this is a resolution of disapproval, not a resolution of approval. This is negation rather than affirmation.

Mr. SABATH. But let us say that 435 Members of the House voted for a bill. If that bill fails to receive a majority vote in the Senate it dies and becomes of no effect. Is not that true?

Mr. PETTENGILL. In that event the legislative act fails to go into effect because a majority is opposed to it but here a legislative act delegated to the President goes into effect although it is unanimously disapproved by the House of Representatives. In one case a majority may act. But here a majority of the people's representatives are powerless to act. This is minority rule, an abandonment of every sound principle of our government.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. PETTENGILL. I yield.

Mr. RABAUT. The ordinary bill becomes nothing if it is defeated in one body, but under this bill the Executive order becomes something if disapproval is defeated in one branch of Congress.

Mr. PETTENGILL. That is right. That says it in a nutshell. My friend deserves the thanks of his constituents.

The people are demanding that Congress do not surrender its majority power to legislate. But that is exactly what we do if we adopt the committee amendment. We let the minority handcuff the majority. I apprehend that the country will not stand for it.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the balance of my time to the gentleman from Utah [Mr. MURDOCK].

The CHAIRMAN. The gentleman from Utah is recognized for 4 minutes.

Mr. MURDOCK of Utah. Mr. Chairman, I regret that at this particular moment I find myself in disagreement with the Committee on the majority side of the aisle on a constitutional question. I am not presumptuous enough to think that I am an authority on constitutional law, but I want to make this observation, and I believe it is worthy of your attention. Let us concede for the sake of argument that we can make an agent of the Congress out of the Chief Executive of the United States to carry out as such agent the reorganization of the executive department; let us suppose that in order to make that delegation of power to our agent, the Chief Executive, constitutional we set up standards to control the actions of our agent, the President of the United States. The point I raise and the one I want you to think of is that, after we constitute him our agent to carry out the powers we delegate to him, after we set up the standards to guide his actions, have we the right as the legislative department of the Government to exercise the judicial

function of passing on whether or not the standards we set up have been properly carried out by the Executive? Or, in other words, judicially interpreting the laws we pass?

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Utah. I yield.

Mr. MOTT. Both the gentleman from Utah now addressing the Committee and the gentleman from Ohio have referred to the President as an agent of the Congress. Where does the gentleman get that idea?

Mr. MURDOCK of Utah. I do not get that idea. I do not think it can be done. I am simply conceding for the sake of argument everything the gentleman from Ohio said in order to get at the right point. Let us admit, for the sake of argument, that under the Constitution we can set him up as our agent.

Mr. MOTT. You cannot admit that under the Constitution.

Mr. MURDOCK of Utah. For the sake of argument, I will admit it, not otherwise. Let us say further that by legislation we set up standards in order to guide his action. Then by what constitutional authority can we as a legislative body reserve to ourselves the judicial function of passing on the question of whether the President has acted within the standards set up by the Congress? This is unquestionably a judicial function which the Legislature does not possess.

Mr. MOTT. You cannot.

Mr. KNIFFIN. Will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Ohio.

Mr. KNIFFIN. I do not say that we could constitute him as our agent to exercise executive powers.

Mr. MURDOCK of Utah. I know you do not; but he is constituted as our agent, according to your explanation of your amendment, as the gentleman says we did with the Tariff Commission and the Interstate Commerce Commission. Would the gentleman take the position that after we constitute those bodies as our agents to carry out our functions, and after we set up the standards, that then we can reserve the judicial function of passing on judicial questions of whether our agent has carried out the powers delegated according to the standards we have set up? In my opinion, Mr. Chairman, it just cannot be done.

[Here the gavel fell.]

Mr. SNELL. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The Chair understands that the time has been fixed by the committee.

Mr. SNELL. Mr. Chairman, I did not so understand. The unanimous-consent request was that the gentleman from Ohio [Mr. KNIFFIN] should have 15 minutes and that a gentleman over here would have 20 minutes. I did not understand it was a unanimous-consent request that debate was to close in that time. The gentleman did not say any such thing, as I understood it. The gentleman from New York [Mr. MEAD] propounded the unanimous-consent request that the gentleman from Ohio should have an additional 15 minutes and the gentleman from New York [Mr. TABER] should have 20 minutes.

Mr. MEAD. That was based upon the suggestion of the gentleman from Massachusetts, who said he would object, as I understood it, unless a time limitation in excess of 10 minutes was fixed.

Mr. SNELL. He was going to object, yes; but there was nothing in the gentleman's request that closed debate on this question.

Mr. MEAD. No. My request was merely to harmonize with the statement made by the gentleman from Massachusetts [Mr. GIFFORD].

Mr. SNELL. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SNELL. Mr. Chairman, may I ask the gentleman from Ohio [Mr. KNIFFIN] to tell me what specific language

there is in his amendment that makes the President of the United States the agent of Congress any more than you may say he is the agent of the Congress when he acts as the Executive in carrying out our legislation?

Mr. KNIFFIN. That is right. He is a fact-finding agent only in the light of certain limitations, through amending section 403 and making this grant of power subject to the proviso in 407. That states if the Congress prior to the expiration of such time shall by concurrent resolution find that he did not act in the public interest, and so forth. That is a standard which has already been approved.

Mr. SNELL. I certainly cannot see any specific language there that would directly make the President the agent of Congress, as the gentleman states, and do not believe there is any such thing in regular legislation.

Let us get back to the other question. The other day when I asked the gentleman from North Carolina why we do not have the same provision protecting Congress in this legislation that we had when the Congress gave the power to Mr. Hoover; the gentleman very specifically stated the reason we did not do that was because it was unconstitutional.

The President of the United States in his nocturnal advice says:

But there are two direct reasons why this bill should be put through as is now drawn. The first is the constitutional question involved in the passage of a concurrent resolution, which is only an expression of opinion of the Congress.

I agree with the President on the statement made by the gentleman from North Carolina that the original provision was unconstitutional. There is no question about that. But if that was unconstitutional, I do not understand how you are going to be cute enough to write language so that by concurrent resolution you are going to stop any of the activities of the President in carrying out the provisions of this law.

Mr. KNIFFIN. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman from Ohio.

Mr. KNIFFIN. By using it as a device to describe the limitations.

Mr. SNELL. Yes; it is a device only, but not a very good one after what you said the other day, and you have to do it by concurrent resolution, and the President himself says that a concurrent resolution is only the expression of the will of Congress and is without any effect in law, and he will so consider it, no matter how many concurrent resolutions you pass.

Mr. KNIFFIN. That is true.

Mr. SNELL. It is not law.

Mr. KNIFFIN. That is right.

Mr. SNELL. How are you going to prevent the President from doing anything except by passing a law, or by joint resolution signed by the President, and which is a law of the United States?

Mr. KNIFFIN. The term "concurrent resolution" is used to describe the limitations.

Mr. SNELL. Where is that concurrent resolution going to come from?

Mr. KNIFFIN. It comes from both Houses of Congress.

Mr. SNELL. Yes; it is an ineffective limitation because your own President says so, and you have admitted it in this debate.

Mr. KNIFFIN. A joint resolution could not affect an act already passed.

Mr. SNELL. We could repeal the act by joint resolution, signed by the President, and by no other method. The fact remains you cannot do anything affirmative in that respect by a concurrent resolution, and the President and everybody else say so.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield?

Mr. SNELL. I yield to the gentleman from Indiana.

Mr. PETTENGILL. The resolution of disapproval on the ground that it is against the public interest is legislative.

Mr. SNELL. It seems so to me.

Mr. PETTENGILL. It is well settled that all resolutions which are legislative in their character must go to the President for his signature, so even though the concurrent resolution did meet with the approval of both Houses, the President could still veto it.

Mr. SNELL. The gentleman is absolutely correct, according to the President's own statement, and according to the decision of the highest legal authority, the Attorney General of the United States.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The Chair may state that all debate is closed on this amendment.

Mr. HARLAN. Mr. Chairman, a pro forma amendment is pending.

The CHAIRMAN. The Chair may state that the pro forma amendment is in the third degree. The only way any Member can now get the floor is by unanimous consent.

Mr. COCHRAN. Mr. Chairman, in order to even the debate, I ask unanimous consent to address the Committee for 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Chairman, the intent of the committee was to write a concurrent resolution provision that would be constitutional. What have we done? We have delegated power under a limitation. They are joined. If one falls, the other falls. This is just exactly what the Kniffin amendment does. We say to the President, "Mr. President, you can reorganize and so forth, but, if the Congress by a concurrent resolution disapproves the Executive order you have issued, becomes null and void."

Mr. KNIFFIN. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Ohio.

Mr. KNIFFIN. Moreover, we say to him, "Mr. President, if you do a good job we will permit it to stand. If not, we will take it out."

Mr. COCHRAN. That is just exactly the purpose of the Kniffin amendment, and it is different from any other concurrent resolution ever included in a reorganization bill. It is power granted to the Congress to override an act of the President under the authority granted in this title. That is something new.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from New York.

Mr. SNELL. Does the gentleman admit it takes legislation to give this power to the President?

Mr. COCHRAN. It takes legislation to give power to the President to reorganize. At the same time we reserve and delegate to a majority of the House and Senate as an agent of the law-making body the power to disapprove Executive orders if they find them not to be in the public interest. I submit this is a valid delegation of legislative power.

Mr. SNELL. But the President himself states that a concurrent resolution has no effect on the Executive.

Mr. COCHRAN. If I recall the President's letter correctly, he states he would recognize a concurrent resolution.

Mr. SNELL. The gentleman admits it right there. If he wants to he can, but it is not imperative upon him.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. May I suggest that this concurrent resolution, which is merely an expression of opinion, is no more effective than submitting this proposition to the Rotary Club of St. Louis.

Mr. COCHRAN. I may say to the gentleman from Wisconsin that outstanding lawyers who have studied the language submitted in the Kniffin amendment state there is something to the concurrent resolution, and that as drawn it is constitutional.

Mr. BOILEAU. May I say to the gentleman that was stated last Sunday, but we have not had the amendment as prepared until today.

Mr. COCHRAN. When you are doing something never done before it takes time.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Georgia.

Mr. COX. I may say I am not particularly enamored with this proposal the gentleman submits to the House, but I do not believe the fears of the opposition are well founded. Whatever it may be, this bill must be construed in its entirety. This limitation of the grant is a part of the act which the President sanctions, if the bill should be passed by the House and go to him. The reservation of the right of Congress to vacate by concurrent resolution any order issued by the President is just as much a part of the law as is the original grant. I believe it is perfectly constitutional and that the fears of the gentlemen in the opposition that it would not be effective are not well founded.

Mr. COCHRAN. I thank the gentleman from Georgia for his contribution. If there is one man in the House whom the House recognizes as an able constitutional lawyer, it is the gentleman from Georgia [Mr. Cox]. [Applause.] You have heard him state that, in his opinion, this is constitutional. I do not ask you to take my word for it, but when a man with not only the ability but the courage of the gentleman from Georgia stands on this floor and expresses his opinion, tells you the concurrent resolution provision before you is constitutional, I believe you ought to take his word for it if there is the least doubt in your mind. [Applause.]

Mr. Chairman, when I said to the gentleman from New York [Mr. SNELL], if I recall the President's letter correctly, that the President would recognize a concurrent resolution, I had in mind that the President would naturally recognize any valid limitation on his power. The concurrent resolution objected to by the President would be a concurrent resolution like the Kniffin resolution, but without the standard "in the public interest" which is embodied in the Kniffin resolution. Such a resolution would be clearly unconstitutional because it would be an attempt by the lawmaking body—which includes not only the Senate and the House, but also the President—to reserve legislative power to the Congress consisting of only the Senate and the House. This would not be a reservation of legislative power to the lawmaking body but a delegation of legislative power from the lawmaking body—the Senate, House, and the President—to the Congress consisting of the Senate and House only. Without the standard "in the public interest" or some other adequate standard to guide the Congress—the Senate and House—in exercising its power to disapprove Executive orders as the legislative agent of the lawmaking body, such a delegation would be invalid and therefore merely amount to an expression of opinion by the Congress—the Senate and House.

Briefly, the basis for the constitutionality of the Kniffin concurrent resolution is that the authority conferred upon the Congress—the Senate and House—by the lawmaking body—the Senate and the House and the President—is limited by a definite standard "in the public interest." This makes the power delegated quasi-legislative power. In exercising this power, that is, in determining that an Executive order is not in the public interest, the Congress—the Senate and the House—will not be exercising executive power in a constitutional sense, but power which can constitutionally be conferred on a legislative agent without violating the doctrine of the separation of powers. One of the leading cases on this point is *Humphrey's Executor v. United States* (295 U. S. 602).

Mr. TABER. Mr. Chairman, I ask unanimous consent to address the Committee for 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Chairman, the trouble with this amendment is that not only would the last proviso requiring a concurrent resolution be a nullity from a constitutional standpoint, but it would be nothing but a gesture such as

the chairman of the committee has suggested to us. It would be just a suggestion to the President entirely without force and effect.

This amendment provides only that prior to 60 days after such an Executive order is filed with the House, the only way Congress can stop it is by passing a concurrent resolution.

As the gentleman from Indiana pointed out clearly, this would be absolutely unfeasible because you could never get such a concurrent resolution through the House. On the other hand, if you postpone the effective date of the taking effect of the proposal of the President until you can have a joint resolution passed, you have done something that would be effective.

I do not believe that any real, sincere, logical proposal for economy or for consolidation of activities of the Government would be passed up by the Congress. I believe they would pass a law immediately putting such a thing into effect.

Mr. KNIFFIN. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes; I yield.

Mr. KNIFFIN. Does the gentleman believe Congress would pass up an opportunity to pass a concurrent resolution if the public interest had not been served?

Mr. TABER. I believe it would be possible, and easily possible, to filibuster in the Senate even with a minority of only one-third against a resolution which was against the public interest.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. SNELL. When the gentleman from Missouri, the chairman of the committee, admitted in his reply to me that he thought the President would give attention to a concurrent resolution, was not that really an admission on his part that he had no real faith in the vitality of a concurrent resolution?

Mr. TABER. I think it was a confession that it would be nothing but a gesture, and we do not want just a gesture. We want to have our legislation so that it will hold water. I hope the House will put something in that will have teeth and will mean something.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Oregon.

Mr. MOTT. I would like to ask a question of the gentleman from Georgia [Mr. Cox] if I may have his attention. I was rather intrigued by the statement the gentleman made a few moments ago that in his opinion a concurrent resolution would be constitutionally sufficient to nullify an order made by the President under this act.

Mr. COX. I think it is nothing more than a referendum, pure and simple.

Mr. MOTT. Is that the position the gentleman takes, that a power given to the President by a law of Congress is contingent upon a referendum to the Congress?

Mr. COX. In an act of this kind, I think that the limitation that Congress attaches is valid.

Mr. MOTT. Both the Attorney General and the President have expressed a different view, have they not?

Mr. COX. I do not know. I have not acquainted myself with what the President or the Attorney General said about the proposition.

Mr. MOTT. That appears, I believe, from the letter of the President. The reason I am asking the gentleman this question is because I have such a great deal of respect for his knowledge of the Constitution.

Mr. COX. I very frankly concede—

Mr. TABER. Mr. Chairman, I must decline to yield further.

Mr. MOTT. The gentleman had not concluded his answer, and I would like to have the gentleman yield so that he may complete his reply.

Mr. TABER. I yield.

Mr. COX. Of course, I concede that a joint resolution, which is independent of an act approved by the President, does not have the force of law. But this provision providing for concurrent resolution is a part of the law and will have Presidential sanction if any part of this act is so approved.

Mr. TABER. Mr. Chairman, I must decline to yield further.

I hope the Committee will refuse to adopt this amendment with a provision in it that is not going to be effective, and instead will adopt the kind of provision that provides for a joint resolution postponing the effective date of an order until a joint resolution is passed approving it, because that will be effective, and unquestionably it is constitutional.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. KNIFFIN].

The question was taken; and on a division (demanded by Mr. SNELL) there were—ayes 147, noes 113.

Mr. SNELL and Mr. PETTENGILL demanded tellers.

Tellers were ordered, and the Chair appointed Mr. KNIFFIN and Mr. TABER to act as tellers.

The Committee again divided; and the tellers reported—ayes 151, noes 113.

So the amendment was agreed to.

Mr. MEAD. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. MEAD as an amendment to the amendment offered by Mr. COCHRAN: After subdivision 4 of section 1 (a) insert the following:

"(5) Section 404, as amended (U. S. C., 1934 ed., title 5, sec. 127), is amended by inserting at the end thereof the following:

"Whenever the employment of any person is terminated by a reduction of personnel as a result of an order of the President under the authority of this act, such personnel shall thereafter be given preference, when qualified, whenever an appointment is made in any agency, but such preference shall not be in force for a period longer than 12 months from the date of the employment of such person is terminated as a result of such order."

Mr. MEAD. Mr. Chairman, I do not believe this amendment will require much explanation. It is offered to take care of employees in the civil service who are furloughed as a result of a consolidation or merging of agencies. In other words, if a number of employees are temporarily furloughed as a result of a consolidation, they will be given preference insofar as reinstatement is concerned within a period of 12 months.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes.

Mr. SNELL. Will the gentleman amend his amendment limiting it to the civil-service employees?

Mr. MEAD. This is to cover any employee who has been dropped as the result of an order by the President.

Mr. SNELL. Yes; but that might include these 300,000 new employees not yet under civil service, and give them preference over regular civil-service employees.

Mr. MEAD. Not at all.

Mr. SNELL. If it would not, just put it into the amendment, and we will accept it.

Mr. MEAD. We are not giving the President authority to merge temporary agencies. They are not continued or prolonged by this bill. This applies to permanent agencies, and in the permanent agencies of the Government they are in most part under the civil service.

Mr. TABER. Oh, they are not. There are hundreds and thousands of employees in the Treasury Department who are not under civil service.

Mr. MEAD. I am talking about those agencies that may be subject to merging and consolidation, as prescribed in the bill. Agencies which were considered by President Hoover in 1932 and President Roosevelt in 1933.

Mr. SNELL. But it is proposed in what the gentleman has told us to move the Public Health Service, and there are a lot of them there.

Mr. MEAD. This amendment was presented by representatives of a civil-service organization, and it is presented in their behalf.

Mr. SNELL. To relieve all argument, why not put that in there and that will stop the argument. There will be no objection. If the gentleman is honest about it, put it in.

Mr. MEAD. I presented this amendment to the committee, as I said a moment ago, coming as it does from the civil-service employees' spokesman. I believe it applies only to the civil-service employees.

Mr. HARLAN. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes.

Mr. HARLAN. How was that similar provision phrased in the Senate bill? That provision was included in the Senate bill.

Mr. MEAD. This is the language of the Senate bill.

Mr. SNELL. Let us write in the law what we mean. That seems to me no more than right.

Mr. MEAD. I cannot see any need for it, and I have not the authority of the committee to offer an amendment to this amendment. I believe there is much ado about nothing. This is an amendment that protects the civil-service employees. It is in the Senate bill, and why it should be amended I really cannot tell.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I think the gentleman is unduly alarmed.

Mr. SNELL. But the President may blanket all of these 300,000 employees into the civil service, and then they would all be protected by this amendment.

Mr. MEAD. I cannot see any danger or any harm in it. It is presented by the friends of the civil service. It is the same amendment that was adopted by the Senate. I cannot see where it is going to do any damage or harm.

Mr. SNELL. If it does not do any harm, why not include in the amendment words to make it say what the gentleman means?

Mr. MEAD. I imagine that is what the amendment really does say; and that is what I mean.

Mr. HARLAN. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. HARLAN. On page 5, line 15, the language of the bill passed by the Senate reads:

(g) Whenever the employment of any person is terminated by a reduction of personnel as a result of an order of the President under the authority of this title or title III, such person shall thereafter be given preference, where qualified, whenever an appointment is made in any agency; but such preference shall not be in force for a period longer than 12 months from the date the employment of such person is terminated as a result of such order.

Mr. MEAD. It occurs to me that we had the same language in the original economy bill; it is now in the amended bill. For the life of me I cannot see any reason why we ought to amend it at this late moment without knowing more about what we are doing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. WARREN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. WARREN as an amendment to the amendment offered by Mr. COCHRAN: Strike out section 5, page 45, and insert the following:

"Sec. 5. The Secretary of Welfare shall administer the laws relating to any agency or function transferred to, or brought within the jurisdiction and control of, the Department of Welfare pursuant to law, which relate to public health and sanitation; the protection of the consumer; the relief of unemployment and of the hardship and suffering caused thereby; the relief of the needy and distressed; the assistance and benefits of the aged; and the relief and vocational rehabilitation of the physically disabled: *Provided*, That nothing in this section shall be construed to authorize the continuation of any temporary agency or function beyond the period authorized by law."

Mr. WARREN. Mr. Chairman, this is a rewriting of the standards set up in section 5 of the department of welfare.

We omitted, as we assured the House we would, the word "education" from these standards. Not only that, we have rewritten the standards and have struck out section 5 of the House bill. I think everyone will agree that the standards proposed in the amendment I have just offered are far preferable to the ones contained in section 5.

There has been some criticism of the word "promote" as now contained in section 5; that is, that the secretary of welfare "shall promote the public health, safety", and so forth, of these agencies that might come under him; while, under the terms of the amendment I have just offered, we provide that the secretary of welfare shall administer the laws—catch that—the laws relating to any agency or function transferred to it.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. WARREN. I yield.

Mr. WHITTINGTON. If the gentleman's amendment is adopted will we not be in the position of having created a department without any functions whatsoever unless some function is transferred to it from some other department?

Mr. WARREN. That is absolutely correct; and, of course, the whole argument for the department is that we have 26 different and distinct agencies of government handling welfare problems.

Another thing we have done by this revised draft is to include a proviso:

That nothing in this section—

Mark this if you will—

Nothing in this section shall be construed to authorize the continuation of any temporary agency or function beyond the period authorized by law.

Under the standards we now propose to set up, Mr. Chairman, we must, therefore, enact laws to put anything under this department, or some agency already created by law must be transferred to it. I think it is a vast improvement over our present section 5.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. WARREN. I yield.

Mr. CASE of South Dakota. What would the gentleman say as to whether under the wording of the section the Office of Indian Affairs and the Farm Security Administration could be transferred to this department under the interpretation that they provided for the relief of the needy?

Mr. WARREN. I do not know, of course, what might be in the mind of the President, nor does anyone else, about the transfer of these agencies; but under no construction could the Farm Security Administration or anything like that be put under the department of welfare.

Mr. CASE of South Dakota. I did not catch the wording of the first part of the amendment. Would it affect the laws relating to any of these agencies, would it necessarily include the Bureau of Indian Affairs?

Mr. WARREN. I do not know whether Indian Affairs would come under this or not. Personally I do not think it would.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina?

The amendment was agreed to.

Mr. COLMER. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COLMER: Page 43, line 24, after the words "the General Accounting Office" insert a comma and the words "Veterans' Administration."

Mr. FRED M. VINSON. Mr. Chairman, we accept that amendment.

The amendment was agreed to.

Mr. GIFFORD. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. GIFFORD: Page 44, line 6, after the word "act" in subsection (b) of the amendment offered by Mr. COCHRAN, strike out the period, insert a comma and add the words "and accompanied with a reasonably detailed report showing the increase or decrease in expenditures which will result from such order."

Mr. GIFFORD. Mr. Chairman, I will not consume any time if the members of the Committee on that side of the aisle will accept the amendment. While they are considering

acceptance, I would remind the House that this is a simple amendment. When the President transmits to the Congress his report, he shall simply send in a reasonably detailed statement as to the decrease or the increase in the expenses of the change proposed. This amendment was debated in another body. At the moment, I cannot say whether this was adopted or not, this being an entirely new measure in the House, but the very first phraseology of the act of 1933 reads as follows:

To reduce expenditures to the fullest extent consistent with the efficient operation of the Government.

I am sure any message from the President recommending transfers and setting up new organizations should be accompanied with a statement to the Congress as to whether there is any economy to be effected or not.

I do not see how anyone could possibly vote against this amendment or oppose it. It merely provides for an estimate which the President should furnish anyway.

I want to picture to you briefly the situation when my State reorganized and put 90 bureaus under 19 department heads. The heads named 19 new positions who were political appointees who knew nothing about the activities of any of the 15 or 20 bureaus under each of them. Therefore they had to have new officers and a new set of advisers to watch over the 90 departments.

I was in that legislative body at the time the act was passed, and many of us have been inquiring diligently ever since concerning the situation which developed. That act was put through with a distinct thing in view; that is, that the heads of the new departments should roll, and they did roll. When the old bureaus were transferred and a new political head put over them there was no economy effected, you may be sure. They still have to have supervisors for the 90 departments which the State had previously and painstakingly set up. In this instance, too, the different agencies will be put under one head who will be under the control of the President in the name of economy you say. I am unwilling that this thing shall be done in the name of economy since economy will not result.

The amendment which I have offered would simply ask the President to say reasonably to us whether or not there will actually be economy in the transaction. Later we will talk about the transfer of functions, where the heads will roll.

Again may I say, Mr. Chairman, the amendment I have offered is simple, and I cannot believe that the Committee will not accept it.

Mr. FRED M. VINSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I feel certain this body does not want to lay the groundwork for opposition to reorganization of the executive agencies embraced herein if it may be determined by a vote of the House and Senate, together with the signature of the Executive, that this proposed legislation should become law. The gentleman from Massachusetts knows, as we all know, that this bill does not give the power to the Chief Executive to increase the functions or to add to statutory law. The appropriations by the House and the Senate, signed by the President, determine whether there will be an increase or decrease in the money spent to carry on the activities of government. In my opinion, this amendment would just simply embarrass and hamstring the Executive in respect of reorganization.

It would be a most difficult matter to prepare such a "detailed statement," particularly if there were consolidations of agencies. Some time necessarily would elapse before the savings, if any, could be effected. If an estimate were made at the time of the presentation of the reorganization program to Congress, and the exact number of dollars were not saved, then they would refer to this "reasonably detailed statement" that the Chief Executive had made upon a former occasion.

In my opinion, efficiency in government cannot mean anything except economy. Of course, figures have not been submitted as to the amount of money that will be saved under

this bill, because the program has not been worked out, but we know from our experience as legislators that if you have efficiency, if you promote efficiency, you must necessarily save money. Even though no money was saved, increased efficiency would spell better government. I therefore ask, Mr. Chairman, that the amendment be defeated.

Mr. WADSWORTH. Will the gentleman yield?

Mr. FRED M. VINSON. I yield to the gentleman from New York.

Mr. WADSWORTH. In view of the fact the committee has just agreed to the proposition that an order of the President may be disapproved by concurrent resolution, which, of course, must be submitted to the Congress, does not the gentleman believe the Congress in that event should have the benefit of this information?

Mr. FRED M. VINSON. The Congress then would make effort to secure this information and much other information; but if we agreed to this amendment, would it make any difference to the gentleman from New York in regard to his attitude on this bill?

Mr. WADSWORTH. No; not as far as this bill is concerned, but it might if I were voting on a concurrent resolution.

[Here the gavel fell.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. GIFFORD].

The question was taken; and on a division (demanded by Mr. GIFFORD), there were—ayes 52, noes 121.

So the amendment was rejected.

Mr. DIES. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The Chair feels constrained at this time to recognize first gentlemen who are offering amendments.

Mr. MURDOCK of Utah. Mr. Chairman, I offer an amendment which is on the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MURDOCK of Utah to the amendment offered by Mr. COCHRAN: On page 43, line 24, after the comma, following the word "office" insert "the Forest Service of the Department of Agriculture."

Mr. MURDOCK of Utah. Mr. Chairman, the purpose of this amendment is very simple. If adopted, the amendment will simply exempt the Forest Service from the application of this legislation, if and when it is passed and becomes law.

I do not believe in our entire Government there is a department, a bureau, or an agency that has discharged its functions and duties with a higher type of efficiency, fidelity, and integrity than the Forest Service has shown. In the State of Utah it is one of the most important governmental agencies we have. In the control of our watersheds, in the reforestation of our watersheds, in the control of erosion, and in the control of floods, our very existence is absolutely dependent on the functions of the Forest Service of this Government.

Mr. McSWEENEY. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Ohio.

Mr. McSWEENEY. Is forestry a distinctly agricultural program?

Mr. MURDOCK of Utah. In answer to the gentleman I may say there is no function performed by the Forest Service that is not absolutely and exclusively agricultural. The Service is under the Department of Agriculture, and that is where it belongs.

My only reason for offering the amendment at this time is that there has been considerable controversy between two of the executive departments over the Forest Service. The Department of Agriculture wants to retain it, while another Department wants to take it over and absorb it. The Senators in favor of this amendment were assured they need have no apprehension about a transfer. We on this side have been assured that the Forest Service would

in all probability remain where it is. If this is the attitude of the committee handling this legislation and if it is the attitude of the Senate, why not put this amendment into the bill and relieve the fear and apprehension about the Forest Service being transferred?

Another observation I desire to make is that the Forest Service is one of the most decentralized Federal agencies in the United States Government. Its personnel is of the highest type to be found in any governmental agency. The Forest Service should not be transferred. We should relieve the fear and apprehension of those splendid ladies and gentlemen who make up its personnel and by so doing reward them for their splendid and efficient service by leaving them where they are to continue their efficient and important functions as they have in the past.

Mr. ANDRESEN of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Minnesota.

Mr. ANDRESEN of Minnesota. Does the gentleman know whether the Secretary of Agriculture favors this amendment?

Mr. MURDOCK of Utah. I am sure he does. I have not been contacted by him. I believe the Department is willing to leave it up to our good judgment.

Mr. COFFEE of Washington. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from Washington.

Mr. COFFEE of Washington. Is it not a fact that all the friends of forest conservation in the United States favor the retention of the Forest Service in the department where it is now?

Mr. MURDOCK of Utah. I was contacted yesterday by the secretary of an association of national importance that has forest conservation in view, and the members of that association are apprehensive that something may be done to destroy or in some way interfere with the efficient functioning of this great governmental agency.

Mr. WARREN. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Utah. I yield to the gentleman from North Carolina.

Mr. WARREN. I hope the gentleman from Utah did not mean to convey the impression the Secretary of Agriculture favors the gentleman's amendment.

Mr. MURDOCK of Utah. I did not say that.

Mr. WARREN. I wish to assure the gentleman that when the Senate struck out of their bill the provision which would have changed the name of the Department of Interior, the Secretary of Agriculture then strongly endorsed the bill.

Mr. MURDOCK of Utah. I may say to the gentleman from North Carolina that in my opinion, if the Secretary of Agriculture deemed it prudent and discreet to come up here and tell you what he wanted, he would tell you he favored my amendment. I have no doubt on that. For the reasons herein referred to and many others which could be mentioned, time permitting, and on account of the splendid work they have done, and because of the controversy that exists today between one department and another over this agency, I believe my amendment should be adopted. (Applause.)

Mr. COCHRAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, when this amendment was offered to the bill last August I opposed it. I pointed out over 20 governmental agencies are today handling our forest lands. The outstanding lobbyist in the government service today is the Forest Service. I will prove that beyond question with photostatic copies of letters their organizations sent to every State conservation commission in the Union from the day the question of reorganization was mentioned. Only yesterday I received another letter sent to every member of Congress showing they continued their opposition up to the moment we started to read the bill.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I am sorry. Not right now.

At the time our bill was pending last August the Secretary of Agriculture had not spoken but the Forest Service had spoken. It went out into my own State to my governor and others and tried to bring pressure to bear upon me from people interested in conservation. I yield to no man in this House or in this country when it comes to taking an interest in conservation.

On February 22 the Secretary of Agriculture personally issued a statement which I have placed in the Record, and it will be found on page 749 of the Appendix of the Record. In that statement the Secretary in no uncertain terms said, "Let the bill pass. It will be beneficial rather than harmful to conservation," or words to that effect. That is the position of the Secretary of Agriculture, and no one can deny he is not one of the outstanding conservationists of this country. He openly declared in favor of the bill without the Forest Service being exempted.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield to me now?

Mr. COCHRAN. I regret I do not have the time.

Mr. MURDOCK of Utah. Will the gentleman yield at all?

Mr. COCHRAN. I have the Record of that date here now, and anyone who wants to read the Secretary's statement can read it. I am sorry I do not have time to do so.

May I say that when Government employees spend their time and money—and lots of them are spending the Government's time—in sending propaganda throughout this country in an attempt to undermine an effort to properly reorganize the conservation activities of this Government, they are doing something they should not be permitted to do.

I know that a great majority of the members of this forestry organization are Government employees.

Now, Mr. Chairman, with all the facts in reference to all of the agencies scattered all over Washington handling our conservation activities duplicating efforts, there is absolutely no reason in the world why they should not be under one head. No matter what you do with them, but bring them together and place them under one head. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. MURDOCK].

The question was taken; and on a division (demanded by Mr. MURDOCK of Utah) there were—ayes 63, noes 109.

So the amendment was rejected.

Mr. MOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOTT to the amendment offered by Mr. COCHRAN: On page 43, line 24, after the word "office" insert "the Forest Service, the Biological Survey and the Soil Conservation Service, all in the Department of Agriculture."

Mr. MOTT. Mr. Chairman, the amendment of the gentleman from Utah [Mr. MURDOCK] to exempt the Forest Service from the provisions of this bill has been voted down. My amendment includes exemption not only of the Forest Service but also the Bureau of Biological Survey and the Soil Conservation Service. I endorse what the gentleman has said and I wish to make some further observations on that subject, notwithstanding the vote on his amendment.

These are all bureaus of the Department of Agriculture and they are all purely agricultural activities. They should not be transferred to any other Department under any reorganization scheme, and I hope the House may see fit to give them the protection asked for in this amendment.

It was stated here a moment ago that there was no danger of the Forest Service or any of the other services now belonging to the Department of Agriculture being transferred from that Department. That definitely, in my opinion, is not the case. There is very definite danger of such a transfer if this reorganization bill should become law. Everyone who is familiar with the controversy which has existed for years between the Secretary of Agriculture and the Sec-

retary of the Interior knows perfectly well that if the Secretary of the Interior under a reorganization bill has an opportunity to absorb these agencies into the Department of the Interior he is going to do so. Anyone who does not know that does not know the Secretary of the Interior.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Iowa.

Mr. DOWELL. Unless this amendment of the gentleman from Oregon is adopted, this transfer may be made to some other Department?

Mr. MOTT. Unless this amendment is adopted, I think I can say to the gentleman from Iowa that the Forest Service, and possibly these other two services, not only may be but will be transferred to the proposed new department of conservation. The Secretary of the Interior has had a bill introduced to change the name of the Interior Department to the department of conservation.

Everyone from the land-grant States knows this, and everyone who is interested in forestry knows this. It has been the ambition of the Secretary of the Interior for 5 years to do this. He already has the approval of the President, in my opinion. One of his counselors, Mr. Rufus Pool, last year stated this before the Public Lands Committee in the hearings on the Oregon and California land-grant bill. He stated that if the reorganization bill should pass that transfer is going to take place. That, he said, had already been decided upon, and he said this as the representative of the Secretary of the Interior. His statement appears in the printed hearings, and it is definite and unequivocal.

It was also stated on the floor a moment ago that only those Government employees interested in forestry were particularly interested in this matter, and that they were the only ones who were paying very much attention to this bill. I have a list here of nearly 100 organizations throughout the country which are very much interested in this and which are very much opposed to the transfer of the Forest Service, the Soil Conservation Service, and the Biological Survey to the Department of the Interior, and I want to include the names of these organizations as a part of my remarks. They are the following:

ORGANIZATIONS WHICH HAVE TAKEN THE STAND THAT IN ANY REORGANIZATION OF THE GOVERNMENT FORESTRY, WILDLIFE, AND SOIL CONSERVATION SHOULD BE RETAINED IN THE DEPARTMENT OF AGRICULTURE

American Association for the Advancement of Science, Dr. F. R. Moulton, permanent secretary, 327 South LaSalle Street, Chicago, Ill.
American Coalition of Patriotic, Civic, and Fraternal Societies, John B. Trevor, president, Southern Building, Washington, D. C.
American Farm Bureau Federation, Edward A. O'Neal, president, 58 East Washington Street, Chicago, Ill.

American Forestry Association, James G. K. McClure, president, 919 Seventeenth Street NW., Washington, D. C.

American Nature Association, Arthur Newton Pack, president, 1214 Sixteenth Street NW., Washington, D. C.

American Paper & Pulp Association, Charles W. Boyce, executive secretary, 122 East Forty-second Street, New York, N. Y.

American Pulpwood Association, William P. Good, executive secretary, 220 East Forty-second Street, New York, N. Y.

American Wildlife Institute, Henry P. Davis, secretary, Investment Building, Washington, D. C.

Angeles Forest Protective Association, C. E. Groninger, secretary, Glendora, Calif.

Appalachian Mountain Club, Irving Meredith, recording secretary, 5 Joy Street, Boston, Mass.

Appalachian Section of the Society of American Foresters, Norman E. Hawes, secretary, Appalachian Forest Experiment Station, Box 252, Asheville, N. C.

Arkansas State Forestry Commission, Charles A. Gillett, State Forester, Little Rock, Ark.

Blackfoot Forest Protective Association, Roscoe Haines, secretary, Bonner, Mont.

California State Chamber of Commerce, Charles G. Dunwoody, Ferry Building, San Francisco, Calif.

Camp Fire Club of America, William B. Greeley, chairman, Committee on Conservation of Forests and Wildlife, 150 Broadway, New York, N. Y.

Central Association of Science and Mathematics Teachers, Fred Schriever, Boys' Technical High School, 319 West Virginia Street, Milwaukee, Wis.

Colorado Federation of Women's Clubs, Mrs. E. W. Simmons, conservation chairman, 3902 Meade Street, Denver, Colo.

Colorado Game and Fish Commission, Roland G. Parvin, State Capitol, Denver, Colo.

Colorado Junior Chamber of Commerce, James E. McMullen, 1031 United States National Bank Building, Denver, Colo.

Colorado State Forestry Association, P. L. Clarke, secretary, 5059 Osceola Street, Denver, Colo.

Connecticut Forest and Park Association, Edgar L. Heermance, secretary, 215 Church Street, New Haven, Conn.

Conservation Association of Los Angeles County, George H. Cecil, executive secretary, 1151 South Broadway, Los Angeles, Calif. Contra Costa County (Calif.) Development Association, care of Chamber of Commerce, Berkeley, Calif.

Council for Preservation of Natural Beauty in Pennsylvania, Mrs. A. B. Ross, vice chairman, 447 East Mount Airy Avenue, Philadelphia, Pa.

Dude Ranchers Association, I. H. Larom, president, Valley, Wyo. Farmers Federation, Inc., James G. K. McClure, president, Asheville, N. C.

Farmers Union, H. W. Thatcher, Washington representative, 423 East Leland Street, Chevy Chase, Md.

General Federation of Women's Clubs, Mrs. Roberta Lawson, president, 1734 N Street NW., Washington, D. C.; Mrs. H. G. Bogert, chairman of conservation, 581 Gibson Street, Akron, Ohio.

Georgia Forestry Association, T. G. Woolford, president, Atlanta, Ga.

Illinois State Academy of Science, Theodore H. Frison, chairman, conservation committee, Urbana, Ill.

Iowa Farm Bureau Federation, Francis Johnson, president, Valley Bank Building, Des Moines, Iowa.

Iowa State College Conservation Association, Ray Adolphson, president, Iowa State College, Ames, Iowa.

Izaak Walton League of America, Inc., George W. Wood, president, Waterloo, Iowa; S. B. Locke, conservation director, Merchandise Mart, Chicago, Ill.

Kansas Farm Bureau, Dr. O. O. Wolf, president, Ulrich Building, Manhattan, Kans.

Los Angeles Chamber of Commerce, Dr. George P. Clements, manager, Agricultural Department, Los Angeles, Calif.

Los Angeles County Conservation Association, W. S. Rosecrans, president, Chamber of Commerce Building, Los Angeles, Calif.

Lumber Manufacturers Association of Southern New England, Theodore L. Bristol, secretary, Ansonia, Conn.

Massachusetts Conservation Council, Harris A. Reynolds, secretary-treasurer, 3 Joy Street, Boston, Mass.

Massachusetts Forest and Park Association, Harris A. Reynolds, secretary, 3 Joy Street, Boston, Mass.

Michigan Academy of Science, Art, and Letters, University of Michigan, Ann Arbor, Mich.

Michigan Association of Municipal, County, and Public Utility Foresters, Karl Dressel, secretary, Michigan State College, East Lansing, Mich.

Michigan Audubon Society, Frank L. DuMond, president, Grand Rapids Public Museum, Grand Rapids, Mich.

Michigan Forestry Association, Paul A. Herbert, Michigan State College, East Lansing, Mich.

Michigan State Farm Bureau, C. L. Brody, executive secretary, 221-227 North Cedar Street, Lansing, Mich.

Mississippi Valley Association, Lachlan Macleay, 511 Locust Street, Chamber of Commerce Building, St. Louis, Mo.

Missouri Farm Bureau Federation, R. W. Brown, president, 208-210 East Capitol Avenue, Jefferson City, Mo.

National Cooperative Council, Robin Hood, 1731 I Street NW., Washington, D. C.

National Council of State Garden Clubs, Inc., Mrs. Kemble White, conservation chairman, Stonewall Jackson Hotel, Clarksburg, W. Va.

National Grange, Louis J. Taber, master, 970 College Avenue, Columbus, Ohio.

National Lumber Manufacturers Association, Dr. Wilson Compton, 1337 Connecticut Avenue, Washington, D. C.; James G. McNary, president, 1611 West Copper Avenue, Albuquerque, N. Mex.

National Retail Lumber Dealers Association, Union Trust Building, Washington, D. C.

National Wool Growers Association, F. R. Marshall, secretary, 509 McCormick Building, Salt Lake City, Utah.

National Hardwood Lumber Association, 2408 Buckingham Building, Chicago, Ill.

Natural Science Club of Manchester, N. H., Miss Helen M. Moore, secretary, 196 Lowell Street, Manchester, N. H.

Nederland Fish and Game Club, George A. Goddard, secretary, Nederland, Colo.

New York State Farm Bureau Federation, E. S. Foster, general secretary, Roberts Hall, Cornell University, Ithaca, N. Y.

North Carolina Forestry Association, R. W. Graeber, secretary, State College Station, Raleigh, N. C.

North Idaho Forestry Association, E. C. Rettig, secretary, Lewiston, Idaho.

Ohio Farm Bureau, Perry L. Green, president, 246 North High Street, Columbus, Ohio.

Ohio Forestry Association, Bernard E. Leete, president, Chillicothe, Ohio.

Pacific Forest Industries, Axel H. Oxholm, managing director, Tacoma, Wash.

Pacific Logging Congress, Guarantee Trust Building, Portland, Oreg.

Pennsylvania Forestry Association, H. Gleason Mattoon, president, 306 Commercial Trust Building, Philadelphia, Pa.

Provo (Utah) Conservation Association, Mark Anderson, secretary, Provo, Utah.

Providence Garden Club, Marian White Little, 346 West Baltimore Avenue, Media, Pa.

Railway Tie Association, Roy M. Edmonds, secretary-treasurer, 903 Syndicate Trust Building, St. Louis, Mo.

Restoration and Conservation Federation, E. Sydney Stephens, president, Columbia, Mo.

San Diego Society of Natural History, Dr. Clinton G. Abbott, secretary, Balboa Park, San Diego, Calif.

Santa Barbara County Board of Forestry, courthouse, Santa Barbara, Calif.

Society of American Foresters, Prof. C. F. Korstian, Duke University, Durham, N. C.; Henry Clepper, executive secretary, Mills Building, Washington, D. C.

Society for the Protection of New Hampshire Forests, Allen Hollis, president, Concord, N. H.; Laurance W. Rathbun, forester, 23 School Street, Concord, N. H.

Spokane Chamber of Commerce, E. R. Edgerton, chairman, Timber Products Bureau, Spokane, Wash.

Tahoe Livestock Association, California, Vernon Stoll, Nevada City, Calif.

Tuolumne County Chamber of Commerce, H. H. Sherrard, secretary, Sonoma, Calif.

Union of Biological Societies, E. V. Cowdry, Washington University, St. Louis, Mo.

Upper Peninsula Development Bureau, George E. Bishop, secretary-manager, Marquette, Mich.

Utah Federation of Women's Clubs, Mrs. C. J. Sumner, chairman, conservation committee, Richfield, Utah.

Wasatch (Utah) Woolgrowers Association, Jas. A. Hopper, 408 Vermont Building, Salt Lake City, Utah.

Washington State Forestry Conference, Dean Hugo Winkler, president, 949 Henry Building, Seattle, Wash.

West Coast Lumbermen's Association, Col. W. B. Greeley, secretary-manager, 364 Stuart Building, Seattle, Wash.

West Virginia Affiliated Sportsmen's Association, D. E. Dean, president, Richwood, W. Va.

Western Pine Association, Clyde S. Martin, Yeon Building, Portland, Oreg.

Wisconsin Wildlife Federation, Louis Radke, Horicon, Wis.

Mr. McSWEENEY. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Ohio.

Mr. McSWEENEY. Is not that a list compiled by the American Forestry Association?

Mr. MOTT. It was compiled by the American Forestry Association.

Mr. McSWEENEY. And the list is very authentic?

Mr. MOTT. Yes; it is entirely authentic.

Now, in the time remaining, if anyone else has questions he desires to ask on this point, I shall be very glad to try to answer them.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Washington.

Mr. LEAVY. Is there any basis in fact for the statement that the Forest Service employees anywhere in the western region have been given either to propaganda or to getting out and trying to develop a certain line of political activity?

Mr. MOTT. I am quite sure that is not true. The Forestry Service employees are about the best politically minded of all Federal employees. We have even had difficulty in getting the forestry people to come before the Public Lands Committee when the Oregon and California land-grant bill was under consideration, because a controversial question of departmental jurisdiction was involved in those hearings. They would not appear and give testimony before the committee without the permission of their own Department heads, and they were very careful to avoid discussion of departmental politics. I am sure they have never taken any part in any of this alleged propaganda. The anxiety over this transfer comes from the people themselves who are interested in seeing that our forests and wildlife resources are properly protected.

Mr. LEAVY. And is it not a fact that the Forest Service employees represent as high a type of public servant as can be found anywhere in the United States?

Mr. MOTT. I think the Forest Service is the most efficient and competent agency of this Government, with the possible exception of the Corps of Army Engineers.

Mr. McSWEENEY. We who have been in the Congress during the last 10 years had as one of our colleagues a distinguished ranger, Mr. Scott Leavitt, who served here for many years and is a fine example of the type of men we have in this Service.

Mr. MOTT. A very fine example indeed, and a distinguished Member of this body.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. I wish to add to the gentleman's statement that my State has nine great national forests in it and I have heard of no propaganda from any of those engaged in that Service.

Mr. MOTT. I am sure no propaganda has come from the gentleman's State, nor from my own, nor from any of the States where the great national forests are located.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Missouri for 5 minutes.

Mr. COCHRAN. Mr. Chairman, I am not going to consume 5 minutes. The same argument applies to this amendment that applied to the amendment to exempt the Forest Service; and in that connection let me say the Secretary of Agriculture specifically mentioned the Biological Survey and Soil Conservation as well as the Forest Service when he told the public there was no danger of conservation suffering if this legislation were enacted into law.

I hope the amendment is defeated.

The CHAIRMAN. Time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Oregon.

The amendment was rejected.

Mr. WARREN. Mr. Chairman, I desire to propound a unanimous-consent request. Three amendments are now pending, all of which have been debated at considerable length, beginning shortly after we went into the Committee this morning.

I ask unanimous consent that we may now be permitted to vote on the three pending amendments. This would not preclude any Member of the House continuing to offer amendments to the pending bill.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. WARREN. Certainly.

Mr. CROSSER. If one of the amendments happens to be adopted, we could not then offer further amendments to it.

Mr. WARREN. Yes; further amendments could be offered.

Mr. CROSSER. I have just been informed they could not.

Mr. WARREN. All I am asking is that we dispose of these three amendments. I will withhold the Cochran amendment from my request.

Mr. CROSSER. I want to offer an amendment to the Kniffin amendment.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. WARREN. I yield.

Mr. MOTT. What three amendments are pending?

Mr. WARREN. The Cochran amendment is pending, the Taber amendment is pending, and the Boileau amendment is pending.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman from North Carolina yield?

Mr. WARREN. I yield.

Mrs. ROGERS of Massachusetts. If we vote on these amendments could I offer an amendment to the Cochran amendment exempting the Civil Service Commission from the provisions of the bill?

Mr. WARREN. That would not preclude the gentleman from Massachusetts in any way. I am asking unanimous consent that we vote now on the Taber amendment and on the Boileau amendment.

Mr. CROSSER. Mr. Chairman, will the gentleman yield further?

Mr. WARREN. I yield.

Mr. CROSSER. Would the gentleman be willing to grant unanimous consent that I may offer an amendment to the Kniffin amendment to strike out paragraph (c) so I may have an opportunity to discuss it?

Mr. WARREN. I understand that my request in no way precludes the gentleman from Ohio.

Mr. CROSSER. I would like a ruling from the Chair.

Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CROSSER. We are in some difficulty about this. It is very difficult to amend this bill because you have got to look in the report to see what the bill really is, and with all these amendments one has a good deal of difficulty in following the reading clerk. What I wanted to do was to amend what appears on page 16 of the report as a part of the bill by striking out paragraph (c) of 403 under the title "Power of the President," which is one line; but I want to offer an amendment and to be heard on it.

The CHAIRMAN. The Chair will state that the Chair understands the unanimous-consent request of the gentleman from North Carolina to be that the committee now proceed to vote upon the Boileau substitute and the amendment offered by the gentleman from New York. The Chair calls attention to the fact, however, that if that is done other substitutes may be offered.

Mr. WARREN. I fully understand that, Mr. Chairman.

The CHAIRMAN. If the unanimous-consent request is agreed to that will not preclude the gentleman from Ohio offering amendments to the Cochran amendment.

Mr. BOILEAU. Mr. Chairman, reserving the right to object, I have a desire to cooperate with the gentleman from North Carolina in this respect, but my substitute amendment is rather lengthy and was offered some time ago. A great many Members have asked me in the last couple of hours when my amendment was going to be voted on. I would like 5 minutes in which to explain my amendment and to show wherein it differs from the Cochran amendment. If I may have 5 minutes, not for the purpose of argument but for the purpose of explaining the provisions of the amendment, I shall not object.

Mr. WARREN. I am perfectly willing that the gentleman have 5 minutes if we may have 5 minutes in reply.

Mr. BOILEAU. That is satisfactory to me.

Mr. MARTIN of Massachusetts. Mr. Chairman, reserving the right to object, will the gentleman inform the House how much longer the Committee is going to run tonight?

Mr. WARREN. That depends entirely upon what we can do in the way of reaching a vote on these amendments. I am unable to inform the gentleman at the present time.

Mr. PACE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PACE. The first amendment adopted this afternoon was with reference to education, an amendment to section 403. The second amendment adopted this afternoon struck out section 403 entirely. My parliamentary inquiry is: What is the status of the amendment dealing with the exclusion of education, in which we are all very much interested?

Mr. WARREN. Mr. Chairman, I am fully conversant with the point just made by the gentleman from Georgia. It is my purpose, before we leave title I, to correct that.

Mr. PACE. I understand the gentleman's request was to vote on the three amendments but I wanted to know the status of the amendments.

The CHAIRMAN. The unanimous-consent request of the gentleman from North Carolina was confined to the substitute amendment offered by the gentleman from Wisconsin and the amendment to the substitute offered by the gentleman from New York.

Mr. RAYBURN. And that debate on the amendments be fixed at 10 minutes.

The CHAIRMAN. And that the debate on the substitute and all amendments thereto be limited to 10 minutes. Is there objection?

Mr. PFEIFER. Mr. Chairman, reserving the right to object, I have an amendment pending on the Clerk's desk pertaining to the Cochran amendment.

The CHAIRMAN. The unanimous-consent request, if agreed to, would not disturb the gentleman's right to offer his amendment.

Mr. TARVER. Mr. Chairman, reserving the right to object for the purpose of propounding a parliamentary inquiry of the Chair.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. TARVER. In connection with the vote on the Boileau amendment which contains four parts, I desire to inquire whether or not there can be a division of the question under the rules, so as to permit a separate vote on part 3, which relates entirely to the department of welfare which it is proposed to set up, and which is a separate substitutive proposition dissociated from the other parts of the Boileau amendment, or whether it will be necessary to offer an amendment to the Boileau amendment in order to have that question voted on?

The CHAIRMAN. The Chair wants to be certain that he understands the gentleman's inquiry. The gentleman's inquiry is whether or not on part 3 of the Boileau amendment a separate vote may be demanded?

Mr. TARVER. Whether or not when the Committee of the Whole votes on the Boileau amendment a Member may be entitled as a matter of right to ask for a division of the question, and if part 3 of the Boileau amendment, which relates entirely to the proposed department of welfare, may be voted on separately from the other three portions of the Boileau amendment?

The CHAIRMAN. Specifically, the gentleman's inquiry is whether a separate vote may be had on the department of welfare section of the Boileau amendment?

Mr. TARVER. That is correct.

The CHAIRMAN. The Chair may say that if such a division is demanded under the rules, the Chair, feeling that is distinct in substance from other parts of the amendment, the gentleman would be entitled to a separate vote and the Chair would so rule. When the Chair states that the gentleman would be entitled to a separate vote, what the Chair means was a division of the amendment.

Mr. TARVER. That I understand is what is provided by the rules when the proposition involved is of a substitutive character which may be separated from other portions of the amendment.

The CHAIRMAN. The gentleman's understanding is also the understanding of the Chair.

Mr. BOILEAU. In that same connection, in the event a separate vote is allowed on various parts of my amendment and if part 3 were eliminated, could we still have a vote on the other parts?

The CHAIRMAN. If a division was demanded, the committee would naturally have to vote on the various portions. The Chair is not passing at the present time upon any other part of the gentleman's amendment as to whether or not it is divisible.

Mrs. ROGERS of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Mrs. ROGERS of Massachusetts. If the Cochran amendment is agreed to, then may I offer an amendment to that?

The CHAIRMAN. Not after the amendment is agreed to; but the Chair may say the unanimous-consent request does not include the Cochran amendment.

Mrs. ROGERS of Massachusetts. How about the Boileau amendment?

The CHAIRMAN. The Boileau amendment and the Taber amendment thereto.

Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BOILEAU. Mr. Chairman, I desire to have the Taber amendment disposed of first.

The CHAIRMAN. The question is on agreeing to the Taber amendment to the substitute offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 38, noes 105.

So the amendment to the substitute amendment was rejected.

Mr. FITZPATRICK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FITZPATRICK. Assuming the Boileau amendment is agreed to as a substitute for the Cochran amendment, when we go back into the House the Cochran amendment will not be before us and the amendments added today to the Cochran amendment would not be voted upon. We would only have before us, when we go back into the House, the Cochran amendment substituted by the Boileau amendment?

The CHAIRMAN. The Chair may say that if the substitute offered by the gentleman from Wisconsin is agreed to, the question would then recur on the adoption of the amendment offered by the gentleman from Missouri [Mr. COCHRAN], as amended by the substitute offered by the gentleman from Wisconsin. If that should be agreed to, then what would happen in the House the Chair is unable to state.

Mr. FITZPATRICK. When we go back into the House there will be one vote taken on the Cochran amendment. There will not be a separate vote on all the other amendments. What I am trying to get at is this: Every amendment to the Cochran amendment adopted here this afternoon would be out of the picture insofar as voting on them by the House is concerned.

The CHAIRMAN. If the Boileau substitute is agreed to and the Cochran amendment, as amended by the substitute, is agreed to, the gentleman's inquiry appears to the Chair to be correct.

Mr. BOILEAU. Mr. Chairman, there has been some misunderstanding about the effect of this amendment. I am going to try my very best in the few minutes I have to explain exactly what is in this amendment, so you may not be laboring under a misimpression at the time the vote comes.

My amendment takes along in its entirety the first title of the committee print you have in your hand, as a substitute for the amendment offered by the gentleman from Missouri, with the exception of the corrections, to which I will call your attention. On the first page of the committee bill, where the Federal Trade Commission and these other agencies are excluded, my amendment also excludes the Veterans' Administration. It carries that provision, so that is in my substitute amendment. Then, on the third page, in section 5 of the bill, I strike out the words "the cause of education" and also the word "education", in the last line of that section. This is not exactly the same complicated language contained in the committee's amendment to the amendment, but the sense of it is there, and there is no question but that everyone will know and the conferees will know exactly what we mean. The committee might have refined the language somewhat, but they did not do anything they could not do in conference. I submit that by striking out the words "the cause of education" and the word "education" we have taken care of that situation. My amendment also takes care of the Veterans' Administration.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. Not until I have explained this amendment, and then I shall be pleased to yield if I have time.

Coming back to the principal part of my amendment, which differs from the Kniffin amendment, I may say the Kniffin amendment provides that when the President issues an Executive order it must be transmitted to the Congress and within 60 days both Houses of Congress must pass a concurrent resolution disapproving the Executive order, or else the order goes into effect. My amendment differs from the Kniffin amendment in that it provides in just so many words that the President shall go ahead and work out these Executive orders, just as he does under the provision in the bill and under the Kniffin amendment, and then he shall transmit these Executive orders to the Congress, and then, unless within 60 days Congress affirmatively approves them by a joint resolution, the Executive orders do not go into effect. In other words, the difference is simply that, under the Kniffin amendment, if there is a filibuster or a delay in committee, or if for any other reason Congress does not disapprove the Executive orders within 60 days, they automatically go into effect. Under my amendment the orders do not go

into effect until the Congress votes affirmatively by a majority vote in both Houses to approve the orders. So we keep the matter right in our own hands.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman.

Mr. MAY. The vital difference is that the Kniffin amendment puts the burden on Congress to disapprove an Executive order, whereas the gentleman's amendment lets the order die unless it is approved?

Mr. BOILEAU. Yes. Also the Kniffin amendment provides that both Houses must disapprove of the Executive order. My amendment provides that either House may disapprove an Executive order by a majority vote. This is just as the law is today, when either House can defeat a legislative proposition in that manner. There is a difference between the two amendments, but mine reaches its object in a constitutional way. No question of constitutionality is involved in my amendment at all. I maintain that the President, at least, believes the Kniffin amendment is unconstitutional.

Mr. KNIFFIN. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Ohio.

Mr. KNIFFIN. Does not the gentleman believe that if the President undertakes this monumental task and does a good job his work should be permitted to stand after the Congress looks it over and finds it has been done in the public interest?

Mr. BOILEAU. Yes; I believe so, provided both Houses of Congress say it, and provided you and I as the Representatives of our people by a majority vote say, "Yes; we want that legislation to go into effect." After all, that is what it is. It is legislation. It is legislation that changes the existing law. I submit we do not want to repeal existing law unless a majority of both Houses affirmatively say what they want. The only reason the proponents of the Kniffin amendment do not want my proposition is that they are afraid the President will submit to the Congress something that cannot stand the light of day. They are afraid something will come to us that a majority will not approve. If we are fearful we would not approve by an affirmative vote what might come to us, then we should not give the power in the first place. I appeal to you to set aside prejudices and I appeal to you in the name of democracy and the preservation of the rights of Members of this House to vote for this amendment. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair may advise the gentleman from New York that the Committee by unanimous consent has limited debate.

Mr. TABER. I do not care about debate, all I want to do is offer an amendment. The Committee did not limit the offer of amendments. I wish to offer an amendment to the substitute.

The CHAIRMAN. The Chair may say to the gentleman that under the unanimous-consent agreement debate was limited to 10 minutes, and the gentleman from Wisconsin has used 5 minutes of that time.

Mr. TABER. I do not care anything about debate on the amendment.

The CHAIRMAN. The Chair will recognize the gentleman to offer an amendment at the termination of debate.

Mr. DIES. Mr. Chairman, the President has the constitutional right to make a recommendation to Congress regardless of legislation. He can send a recommendation to Congress tomorrow with reference to the entire subject matter covered by this legislation, but when we undertake to limit the subject matter of his recommendation, as the Boileau amendment contemplates, when we undertake to prescribe or circumscribe the matters concerning which he can make his recommendations, then it seems to me we are in the position of trespassing upon the Executive authority. We are doing the same thing that the Senate bill and the original House bill attempted to do with respect to the rights of Congress.

Now, let us be absolutely frank about this matter. When this bill came before the House many of us objected to it

because of the fact it deprived the Congress of a right, through majority vote, to disapprove or reject any Executive order that the President might issue. The committee met that objection in a conscientious way. Now we are confronted with a situation whereby we are asked to tell the Executive to make certain recommendations but that those specified recommendations will not go into effect unless the Congress, by affirmative action, approves them.

In other words, we are limiting the constitutional right of the Executive as to the kind of recommendation he can make, and so far as the question of filibustering is concerned, that is true in either case; in other words, if we had to affirmatively approve the Executive orders and an overwhelming majority of both branches wanted to approve an Executive order, still the committees of the Congress could filibuster, still the committees could refuse to report it out. So you have not accomplished anything in that respect even if you adopt this amendment.

Now, we have heard a lot about this bill, and a few Members of Congress have boasted about the fact that they have supported the administration 100 percent. Well, I have not supported the administration 100 percent, and I do not propose to do so when the administration is clearly wrong; but I have said this: I will not support a bill simply because the President wants it, neither will I oppose a bill simply because the President wants it. [Applause.]

I do not find fault with any Member who takes a position in this House either for or against a measure based upon the merits of the bill, but here we have a simple question. Here is the platform of a political party adopted only recently in which it is said:

Efficiency and economy demand reorganization of Government bureaus. The problem is nonpartisan and must be so treated if it is to be solved. As a result of years of study and personal contact with conflicting activities and wasteful duplication of effort the President is particularly fitted to direct measures to correct the situation. We favor legislation by Congress—

Which will do what?—

legislation by Congress which will give him the required power.

Whose platform is this? It is the Republican platform [applause], and as a Member of this Congress I voted in 1932 to give Hoover the power, more power than is contemplated in this measure. I voted to give Roosevelt more power in 1933. Why, we swallowed a carload of camels, and are we now going to choke to death over a half-grown gnat? [Laughter and applause.]

If we are opposed to this measure, then the proper course for any Member to pursue is to vote against it and I shall not blame him, because that is his constitutional right, but let me say this in conclusion, when we cry aloud that we do not want our prerogatives trespassed upon, that we want to preserve our rights and our privileges, let us not place ourselves in the inconsistent position of undertaking to limit and circumscribe and violate the rights of the Executive by telling him, "You can make certain recommendations in accordance with our request, but when you make those recommendations they must be in line with our enabling authority, and we reserve the right to reject them."

Let me say this, too, before I conclude. This is making a mountain out of a molehill. We swallowed this legislation last year, hook, line, sinker, bait and all, and not a Member rose in opposition to it. Now when we have gone to the committee and demanded from them concessions, which I demanded the first day and other Members demanded, and the committee has conceded them and in a conscientious way has undertaken to meet valid objections, it seems to me then there is some other issue involved besides the issue of the merits of this bill.

So far as propaganda is concerned, let them propagandize. Have we not been propagandized before? When I go back to my constituency and say to them "Yes, I voted for this measure after the committee had made concessions that Congress demanded, but I likewise voted to give Hoover more power than this and I gave Roosevelt tremendous power in 1933." Now, after having obtained bona fide concessions, can I justify myself upon any legitimate grounds?

I am not willing to place my support or opposition of measures upon any other ground, except upon the merits of each proposal. If Roosevelt is wrong we have a right to oppose him, but we have no right to oppose legislation simply because Members have fallen out with the President. [Applause.]

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Wisconsin [Mr. BOILEAU].

Mr. TARVER. Mr. Chairman, I request a division of the question, so that part 3, which provides for setting up a department of welfare, may be voted on separately from the part of the amendment which relates to part 3.

The CHAIRMAN. The gentleman from Georgia demands a division of the Boileau amendment and the Chair feels that the gentleman is entitled to a division.

The question is on that portion of the Boileau amendment down to part 3.

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 98, and noes 121.

Mr. BOILEAU. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. BOILEAU and Mr. MEAD.

The Committee again divided; and the tellers reported that there were—ayes 104, noes 121.

So the first part of the Boileau amendment was rejected.

The CHAIRMAN. The question recurs on part 3 of the Boileau amendment.

Part 3 of the Boileau amendment was rejected.

Mr. WARREN. Mr. Chairman, I desire to submit a unanimous-consent request.

The CHAIRMAN. The gentleman will state it.

Mr. WARREN. Mr. Chairman, I ask that all debate on title I and all amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from North Carolina asks consent that all debate on title I and all amendments thereto close in 30 minutes. Is there objection?

Mr. HOLMES. I object.

The CHAIRMAN. Objection is heard.

Mr. WARREN. Mr. Chairman, I ask unanimous consent that all debate on title I and all amendments thereto close in 40 minutes.

Mr. HOLMES. Mr. Chairman, reserving the right to object, I wish to offer an amendment to title I and want 5 minutes on my amendment.

Mr. MAPES. Mr. Chairman, reserving the right to object, may I ask the gentleman from North Carolina what the plan of procedure is for the balance of the day?

Mr. WARREN. The plan is to endeavor to complete title I.

Mr. MAPES. And then rise?

Mr. WARREN. Yes.

Mr. SNELL. I understood we were going to continue along as we have been.

Mr. HOLMES. Mr. Chairman, reserving the right to object, I understand there are very many amendments pending to title I. The reason I objected was because I wanted to get some time on one amendment I shall offer.

Mr. WARREN. Mr. Chairman, I amend my request and ask unanimous consent that all debate on this title and all amendments thereto close in 45 minutes.

Mr. BACON. Mr. Chairman, reserving the right to object, part III of title I creates a brand new department of the Government. Many amendments will be offered to part III including a motion to strike out part III. I do not think we should create a new department and a new Cabinet officer whose activities will cost, as the gentleman from Virginia said, upwards of \$2,000,000,000 a year, we should not do this with only 45 minutes of debate.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this title and all amendments thereto close in 45 minutes. Is there objection?

Mr. BACON. I object, Mr. Chairman. I reserved the right to object, and I do object.

Mr. WARREN. Mr. Chairman, I now move that all debate on this title and all amendments thereto close in 45 minutes.

Mr. SNELL. Mr. Chairman, we definitely understood that such a move would not be attempted.

Mr. WARREN. No. We have had plenty of debate. We have debated this title all day.

Mr. SNELL. By this part of title I you are setting up a new department of the Government to cost \$3,000,000,000.

Mr. SCHULTE. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman from North Carolina moves that all debate on this title and all amendments thereto close in 45 minutes.

Mr. STACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STACK. I understood we had an agreement that no procedure like this would be started.

The CHAIRMAN. The gentleman has not submitted a parliamentary inquiry.

Mr. BEAM. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is the motion of the gentleman from North Carolina.

The question is on the motion of the gentleman from North Carolina.

The question was taken; and there were on a division (demanded by Mr. SNELL)—ayes 135, noes 78.

So the motion was agreed to.

Mr. PFEIFER. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. PFEIFER to the amendment offered by Mr. COCHRAN: Page 45, line 10, strike out "public health, safety, and sanitation" and in line 16, strike out "public health."

Mr. PFEIFER. Mr. Chairman, I offer this amendment to remove from the jurisdiction of the department of welfare all public-health problems. Nowhere in this country is there an individual in charge of a department that has to do with public-health problems who is not a member of the medical profession. By this part 3 a new department is created called the department of welfare, which will have jurisdiction over a vast, important, and extensive proposition; namely, those matters which pertain to the public health.

Mr. COCHRAN. Will the gentleman yield?

Mr. PFEIFER. No; I cannot yield.

Mr. Chairman, health problems and their solution, no matter whether they may be located in the northern portion of this country, in the smaller hamlets, or in the more thickly populated sections of the country, should not be undertaken by any individual unless he be a member of the medical profession. These are important things.

The protection of the health of all the people of this country is a governmental function. It is a serious proposition. Only the other day in the city of New York there was a convention held by the American College of Physicians. To that group the mayor of that great city, a former Member of this House, stated as follows:

Instead of putting a politician at the head of the health department I went out and got a medical officer.

It is absolutely essential that this be done. It would be very wrong, in my opinion, to put all of the functions pertaining to the public health in a department having to do with a conglomeration of other things. This would mean regimentation, and regimentation means socialization. This is socialization on a large scale. It would eventually mean the socialization of medicine.

Mr. Chairman, the average doctor, no matter where he may be, is absolutely against this provision. The American Medical Association is against it. In my hand I hold a letter addressed to me by the medical society in the county of Kings, the greatest borough in this country, in which it is stated that that society is unalterably opposed to the creation of a department of welfare in which the public health is to be a subservient function.

You and I are well aware of the fact that the President of the United States is not going to appoint a member of the medical profession to head this particular department. I would not want him to appoint a member of the medical profession, because there are other important things involved in this department that a doctor would not know anything about.

Public health is a serious problem. The Nation depends upon the health of its citizens. A national investigation only recently made revealed the inadequacy of medical care so far as the public is concerned. Doctors are not selfish. We like to see the people properly taken care of and we will do anything we possibly can to help the Government. The doctors in the country ask for the removal of public health and its problems from the administration of a lay person who may be in charge of the department of welfare. Should this amendment be agreed to, I will then offer an amendment creating a new executive department—the department of health—in which health problems naturally belong and rightfully so.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

Mr. Chairman, I am quite sure the distinguished gentleman does not understand the situation in reference to our present set-up. If there is one governmental agency that is out of place today it is the Bureau of Public Health. It is under the Secretary of the Treasury. What business has it there? There is nothing in this bill which changes existing law so far as the Bureau of Public Health is concerned. It will go on just the same. A doctor will remain in charge. May I say further that Mr. Morgenthau, Secretary of the Treasury, is not a doctor. How much attention can he give that Bureau? Very little because he has other things on his mind far more important from his standpoint. If the Bureau of Public Health is ever going to get the recognition the gentleman from New York desires it to have, the best way to accomplish that is to put the bureau under someone other than the Secretary of the Treasury.

Mr. Chairman, I hope the amendment will be defeated.

The CHAIRMAN (Mr. COOPER). The question is on the amendment offered by the gentleman from New York [Mr. PFEIFER].

The question was taken; and on a division (demanded by Mr. PFEIFER) there were—ayes 21, noes 68.

So the amendment was rejected.

Mr. WARREN. Mr. Chairman, I ask unanimous consent that the vote whereby my amendment pertaining to the exemption of the Office of Education was agreed to be vacated and that the paragraph (d), section 403, of the Kniffin amendment be amended by striking out the period at the end of said section, inserting a comma and the following:

Or to abolish or to transfer the Office of Education of the Department of the Interior and/or any of the functions thereof.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HOLMES. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. HOLMES: Page 45, line 10, after the word "safety", insert "including safety against lynching."

Mr. HOLMES. Mr. Chairman, we are setting up here a new department of public welfare. Why the Federal Government has arrived at a point where it has to resort to this kind of a bureau or department is difficult for anyone who has had any experience at all in Federal, State, county, or municipal life in the last 3 or 4 years to understand. Is it an admission on the part of the leaders of this administration that they have come to the end of their rope, that they are a failure insofar as they have tried to solve the economic problems of this country? Is it an admission that our States, our counties, our municipi-

palities, in most cases dominated by the same party that dominates the Federal administration, has also come to a point where they absolutely have to throw up their hands and admit defeat in coping with the economic situation of the country? What this department of welfare is going to do is far beyond my knowledge or conception, but if it is to be a department of public welfare I know of no more humanitarian work they can undertake than to see to it that in this country every human being in any State in the Union is safe from being lynched. This House has gone on record by a large majority that its Members are opposed to lynching, and the House can reassert itself now and make that one of the functions of this department of public welfare, which is going to cost us between \$2,000,000,000 and \$3,000,000,000 a year to operate. This is one function where the department, if it is necessary to have one, can do some good in some of the States or all of the States, with this all-important subject of lynching.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. HOLMES. I refuse to yield, because I have had only 5 minutes in the 5 days of debate on this question.

I offer this amendment in all seriousness, because if you accept this amendment you must determine a definition of safety against lynching, and there you can incorporate the provisions of the antilynching bill which was fought and sponsored through this House by our colleague the gentleman from New York [Mr. GAVAGAN]. In this way you can reassert your interest and reassert your stand and give this new department of public welfare something to do which it does not now have or will not have even after you create it.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. HOLMES].

The question was taken; and on a division (demanded by Mr. HOLMES) there were—ayes 14, noes 71.

So the amendment was rejected.

Mr. BACON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BACON to the amendment offered by Mr. COCHRAN: On page 44, line 12, strike out all of part 3.

Mr. WARREN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WARREN. The Committee has already voted upon the identical proposition in the severance of the Boileau amendment.

The CHAIRMAN. The vote was taken on a different proposition. That was part of the Boileau amendment. The Chair is of the opinion this is a different matter, and therefore overrules the point of order.

Mr. BACON. Mr. Chairman, the setting up of this new department of welfare presupposes that we will always have a relief problem with us. I was very much impressed with the very eloquent speech made by the gentleman from Virginia [Mr. WOODRUM] on this very point, and I intend to quote part of it. The gentleman from Virginia said:

To my mind, this new Cabinet position is a most serious and far-reaching adventure. Certain it is that this new political Cabinet officer would have under his jurisdiction and control those various agencies of the Government having to deal with welfare or benefit payments. This would mean that the vast relief organization now functioning would have as its head a Cabinet officer. Many of us have been under the illusion that the Federal Government would some day be able to withdraw from the relief business. In fact, the President has expressed such a hope. I find no escape from the conviction that with the secretary of welfare enthroned in a Cabinet position, armed and fortified with all of the influence and prestige that such a position carries, that the Federal Government would be in the relief business for keeps, and instead of being able to gradually withdraw from this field we would have perpetuated an organization that would gradually make for bigger, better, and more relief of all description. Someone has said such a set-up would be "a direct pipe line into the United States Treasury." No one desires to deny help to the needy, but I shudder at the thought of making this a permanent proposition and of putting it under political control.

Mr. WARREN. Mr. Chairman, will the gentleman yield?

Mr. BACON. I cannot yield to the gentleman, especially in view of the way the gentleman has gagged debate.

The gentleman from Virginia further states:

One does not have to draw very largely upon his imagination to conceive what this new department will amount to in the way of the building of a vast organization of Federal beneficiaries under political control. In my judgment, the creation of this department will increase our financial burdens a billion dollars a year, and it may easily be two or three times that amount. I cannot but feel that it is a grave error, and that it will be a costly experiment.

With those eloquent words of my colleague on the Committee on Appropriations, the gentleman from Virginia [Mr. WOODRUM], I most heartily agree. It seems to me that by setting up this new department we not only make relief permanent but we make it political. It seems to me there is nothing more un-American than to treat the relief of the needy as a permanent political proposition, and that is exactly what this proposal will do.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield?

Mr. BACON. I yield to the gentleman from Virginia.

Mr. WOODRUM. The gentleman from North Carolina was about to direct the attention of the gentleman to the fact that he and I both voted for this last August. May I interpolate here that the Good Book says:

A wise man changeth his mind, but a fool never.

Mr. BACON. I agree with the gentleman.

Mr. Chairman, I am not opposed to relief nor to Federal appropriations for relief. I am, however, opposed to a centralized Federal bureaucracy here in Washington administering relief in all 48 States. The overhead alone of the present W. P. A. set-up is over \$60,000,000. The W. P. A. was established as an emergency measure only. Under this bill it is continued permanently under a Cabinet officer.

I have always believed that the money necessarily appropriated by the Federal Government for relief should be turned over to the several States and be administered by them. The costly Federal bureaucratic organization here in Washington could then be eliminated and a greater proportion of the relief dollar would reach the man on relief. The adoption of this title in this bill makes this forever impossible.

I have also always believed that partisan politics should be eliminated from the relief problem. A centralized relief administration in Washington means partisan politics in the administration of relief no matter what party is in power. This bill perpetuates politics in relief, and forever gives the President, whoever he may be, a mighty club to enforce his will on the Congress. If the administration of relief is decentralized in the 48 States, this dictatorial club will be eliminated.

It is the hope of all that the Federal Government may gradually withdraw from relief activities as the emergency draws to an end. This bill, however, keeps the Federal Government in relief activities forever, perpetuates the partnership between relief and partisan politics, and increases the power of this President or any other President to make Congress bow to his will or whim.

Mr. MEAD. Mr. Chairman, I do not care to use the 5 minutes in answering the statement made by the distinguished gentleman from New York [Mr. BACON]. I agree with the proverb that has just been quoted. The record indicates that both the gentlemen from New York and the gentleman from Virginia voted for this same proposition last August. About 100 others who voted against this bill today, voted with them on that occasion. I merely want to mention the fact that a remarkable number of wise men have been developed since this bill came before the House.

Mr. Chairman, I yield back the balance of my time and ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BACON].

The amendment was rejected.

Mr. CROSSER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CROSSER to the amendment offered by Mr. KNIFFIN: Amend the Kniffin amendment by striking out paragraph (c) of section 403.

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Mr. CROSSER. Mr. Chairman, to discuss the reorganization bill as if it were a question of being for or against any person, whether such person be very prominent or a humble citizen, merely shows that the person who so discusses the measure has not given the bill mature thought and consideration. We should discuss the subject before the House on the basis of principle and not of personalities.

This bill is entitled "A bill for reorganizing agencies of the Government, extending the classified civil service, establishing a General Accounting Office and a Department of Welfare, and for other purposes." The House committee's bill, which is printed on pages 43 to 82, inclusive, of the bill S. 3331, does not show the language which would become law if we should pass the measure.

If, however, you will read the fine print on page 16 of the committee's report, you will note that paragraph (c) of section 403 reads as follows:

Abolish the whole or any part of any executive agency and/or the functions thereof.

You might try to justify a proposal to abolish an agency of government provided that some other agency could be designated and required to perform the functions of the agency to be abolished, but, mark you, when by law you authorize one person to abolish functions of government you are giving to such person authority to make laws repealing other laws. More than 120 agencies of the Government and their functions could be abolished by the exercise of the authority proposed in the language of section 403, paragraph (c), which I have quoted.

Take, for example, just two recent examples which I have in mind. About 2 years ago, after a long struggle, we passed the railroad pension law and provided for the Railroad Retirement Board. This was done for the purpose of providing by law for the paying of pensions to aged railroad workers. If the authority proposed by this reorganization bill should be given, not only could the Board be wiped out of existence but the law providing for the payment of pensions to railroad workers could be repealed by an order signed by the Chief Executive of the United States.

The language which I have quoted provides not merely for the shifting of powers and duties from one board or commission to another board or commission but actually would give one person, the Chief Executive, authority to repeal the law providing for the payment of pensions to aged railroad workers. The same thing is true of the Railway Mediation Board. You will remember when I stood here at midnight of the closing day of the session in the summer of 1934 and urged the passage of the bill establishing the Railway Mediation Board when it came back from the Senate with amendments. Congress passed the law. That law for the settlement of labor disputes in the railroad industry has been praised from one end of the country to the other during the last year as a model method of settling disputes between employers and employees. Both of these acts which I have mentioned are less than 4 years old. Is it possible that after such a short time we are in doubt about the wisdom of these two laws which we have passed? If we are not in doubt about the value of these laws, as well as many others, why should we say, as the language of the so-called reorganization bill now before the House does say, that the Chief Executive of the United States may issue an order which would repeal the laws establishing these institutions and wipe out of existence the pension law and labor-disputes law?

Are we so uncertain about the correctness of the laws we pass that we must say, "We hereby authorize and empower one person, if he so desires, to repeal all the laws of the United States providing for executive agencies, excepting what are known as the regular Departments, such as the State, War, and Navy Departments"?

Well, Mr. Chairman, that is exactly what we would be doing if we should pass this so-called reorganization bill in its present form. It is much worse than the bill which passed the Senate.

The bill before the House is entitled "A bill to provide for reorganizing agencies of the Government", and so forth. A careful study of the bill will show that it is not a bill to provide only for reorganizing, but does give power to disorganize. The power to abolish—that is, the power to do away with or wipe out of existence—is the power to disorganize. Just a few moments ago in the library of this House I read in Webster's New International Dictionary the definition of the word "disorganize." Webster's Dictionary gives the meaning of the word "disorganize" as follows:

To destroy the organic structure or regular system of; to deprive of organization; to throw into disorder; to disarrange.

Now, Mr. Chairman, let me again call the attention of the Members of the House to the fact that in section 403, which is printed on page 16 of the committee's report, is found the following language:

He—

The President—

may by Executive order abolish the whole or any part of any executive agency and/or functions thereof.

Webster's Dictionary also explains the meaning of the word "abolish" as follows:

To do away with wholly; to annul; to make void—said of laws, governments, etc.

It is entirely clear, then, that the power proposed to be given to one person by this bill "to abolish functions" is not the power to reorganize, as the title of the bill states, but, on the contrary, as I have shown, is the power to do the very opposite of reorganizing, and that is to disorganize, which, as Webster's Dictionary says, is "to do away with wholly."

You might possibly feel that you would be justified in authorizing someone to reorganize which means to rearrange the agencies of government, but let me say again that the power to abolish is the power "to do away with entirely," and that, of course, is the power to repeal laws, the power to wipe off the statute books the laws which the people through their representatives have devoted a great many years and much labor to placing on the statute books.

And yet, Mr. Chairman, notwithstanding that such a great change in our Government is proposed, those who are impatiently pushing for the passage of this bill are trying to make it appear that those who are giving the warning signal are merely showing their disapproval of some person—are against someone. Ah, my friends, a deep concern for the continuance of the American system of government, caused by reading the plain language of this bill, cannot be waived aside and "pooh, poohed" by saying that objections are due to the fact that the objectors are against some person. Principles are a thousand times more important than all persons high or low in all the world. This is a matter of principle, a most important principle, and is not a matter of person, whether such person be the head of the Government or not. Article I, section 1, of the Constitution of the United States reads exactly as follows:

All legislative powers herein granted shall be vested in a Congress of the United States.

That is the exact language which the representatives of the States put into the Constitution of the United States. That is the fundamental law of the United States. That is the language which by the representatives of the people of the United States was placed in the Constitution and was thereby made the basis, the foundation, of all other laws of the United States. "All legislative powers," which, of course, means all lawmaking powers, were vested; that is, were placed in Congress.

Mr. BUCK. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. I yield.

Mr. BUCK. In order that the members of the Committee may understand which section 403 the gentleman from Ohio is referring to, may I ask him to make it clear that he refers to the reenactment of section 403 of title IV of the Legislative Appropriation Act of 1933, and not to section 403 that is contained in this bill? In other words, you have to read out of

the appropriation act what we are unconsciously enacting at this time.

Mr. CROSSER. The gentleman is absolutely right. You might vote for this provision without ever knowing that it is in the bill at all.

Mr. Chairman, the influence of Thomas Jefferson undoubtedly caused this provision vesting Congress with the lawmaking powers to be made a part of the Constitution. He firmly believed that the power to make the laws, which, of course, is power to determine policies, should, and, indeed, must, be in the representatives elected to Congress by the people. He insisted and urged that Congress must have the sole power to make the laws because the Members of Congress would be closer to the people. Because they would live in districts among the people electing them, Jefferson believed and urged, rightly, that the Members of Congress would learn first what kind of laws the people might desire or approve. There is no answer to Jefferson's reasoning. It is wise and right that—

All legislative powers . . . shall be vested in a Congress of the United States.

It is not necessarily wise and right because such powers are stated in the Constitution, but, rather, is undeniably logically right and necessary that these powers in Congress be set forth as clearly as they are in the Constitution.

[Applause.]

Mr. WARREN. Mr. Chairman, I am afraid our friend from Ohio has an entirely wrong conception of this whole matter. In the first place what must the President do before he would attempt to abolish the whole or any part of an executive agency or any of its functions? He must first find according to the standard in this bill which provides that he can only do it to reduce the number of such agencies or consolidate those having similar functions under a similar head, and by abolishing such agencies and such functions thereof as may not be necessary for the efficient conduct of the Government. The President must find that before he operates under the section the gentleman from Ohio has just been talking about. We have 14 agencies of the Government dealing with forestry. If his amendment should prevail the President could not abolish a single, solitary one of them.

It has been charged here, and especially on the Republican side, that there is no economy in this bill. I have always said there was economy, and there is obliged to be, with any efficient coordination of the agencies of the Government. All of the functions that would ever be abolished would be dead functions and functions where there is duplication and overlapping. If you adopt this amendment you prevent those things which I know you want to happen if there is any reorganization of the Government.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. WARREN. I yield.

Mr. SABATH. The main purpose of the bill, as I understand it, is to bring about greater efficiency and economy; is that correct?

Mr. WARREN. That is one of the standards set out in the bill, I may say to the gentleman.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. WARREN. I yield.

Mr. DEMPSEY. The gentleman says there may be 14 agencies performing similar functions. It is all right to coordinate those agencies, but in the case of an agency like the Bureau of Public Roads, or the Reclamation Service, could they be abolished under this bill?

Mr. WARREN. If they were found to be absolutely useless.

Mr. DEMPSEY. Found by whom?

Mr. WARREN. Found by the President to be absolutely useless, and then the functions that he would abolish would be dead functions.

[Here the gavel fell.]

Mr. SHANNON. Mr. Chairman, I ask unanimous consent that the amendment be again read.

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

There was no objection.

The Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. CROSSER) there were—ayes 36, noes 63.

Mr. SHANNON and Mr. STEFAN demanded tellers.

Tellers were refused.

Mr. CROSSER. Mr. Chairman, I make the point of order there is not a quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and forty-two Members are present, a quorum.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mrs. ROGERS of Massachusetts to the amendment offered by Mr. COCHRAN: Page 43, line 24, after the word "Office", insert "Civil Service Commission."

Mrs. ROGERS of Massachusetts. Mr. Chairman, I realize the Members must be extremely tired at this late hour, but the amendment which I have introduced vitally affects the civil-service workers in the district of every Member of this House.

This amendment would exempt the Civil Service Commission from the provisions of the pending bill. There is a civil-service provision later in the bill but unless this is enacted here the civil service would be transferred to another department. The Civil Service Commission with the adoption of the amendment, would remain as it is with a bipartisan board of commissioners at the head of it. In the last few days I have received numerous letters and requests from the women of the country asking that the bipartisan board of commissioners be retained. They tell me that for years they worked to have a woman Civil Service Commissioner appointed and in 1920 they were successful in having this done. Since then a woman has been appointed to the Board. And they are unwilling that their work of many years should be disregarded.

Mr. Chairman, the women workers feel they are entitled to have a woman Commissioner to represent the women civil-service workers all over the country. I feel it is only fair that women be recognized in this regard. I quote from part of circular letter No. 19 written by Mr. Joseph Lawrence of the Department of Justice, Taxes and Penalties Unit.

Mr. Lawrence said that—

It has been brought to my attention that certain employees of the unit have sought congressional pressure to secure petty privileges in their unit and also increases in salary, despite the fact they were only recently advanced through the recommendation of this office. Especially in view of this it is almost inconceivable that such persons should have contacted their Senators and Representatives and solicited their influence for this purpose. Hence I must inform all employees now that these are strictly administrative matters and action should have originated in this unit and department.

Mr. Chairman, it is quite obvious to me that the administration and the Congress are bringing about the passage of more and more measures which will compel us to sell our birthright of liberty and freedom of speech for a mess of pottage. The apparent attempt by the President to make the people of the United States afraid to write their Congressmen in regard to the very bill we have under consideration today is in keeping with the attempt of Mr. Lawrence to frighten his employees in the Department of Justice.

The noose is drawing tighter and tighter around the people of the United States. I feel that the employees of the various departments have a right to appeal to their Congressmen in connection with matters they see fit to take up with their Congressmen. In many instances their Congressmen are the only people who can protect them against injustice and persecution. Our constituents under the Constitution have a right to write to us, to petition us upon any matter. I hope they always will take that right.

Mr. Chairman, I ask unanimous consent to include as a part of my remarks a brief speech and debate which occurred on the floor on the 3d of March 1936, regarding a letter which was written by Joseph Lawrence to his employees telling them that they must not get in touch with their Members of Congress.

If the present form of the Civil Service Commission is abolished, if it is to be governed by one man, whether that Director of the Civil Service Commission be Republican or Democrat, whether it be under a Republican administration or a Democratic administration, it is my belief the Federal employees will not feel safe. They will feel that they are much more apt to be dominated by a partisan administrator, and an administrator appointed by the President and removable at his will would find it hard to withstand political pressure. They will feel that their contact with their own Representatives in Congress will be lessened even more, in fact stopped. Many of them today do not dare even to visit their individual Members of Congress.

The CHAIRMAN. The Chair may say to the gentlewoman that her request will have to be made in the House.

Mrs. ROGERS of Massachusetts. Mr. Chairman, these Federal workers to whom I have just referred were not Republicans. They were Democrats. Even at the present, Federal employees have told me they were afraid to go to the offices of their Congressmen, and if Members insist, I will be glad to give instances and names without mentioning their names on the floor of the Congress.

Mr. KELLER. Will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Illinois.

Mr. KELLER. Is there anything in the proposed bill that would prevent the appointment of a woman in place of a man to that job?

Mrs. ROGERS of Massachusetts. No. There is nothing in the bill that would prevent the appointment of a woman, but you and I know that a woman is not likely to be appointed. We have had one woman as a member of the Cabinet, and women have not been recognized very much in Federal administrative positions. I think we all realize if the Civil Service Commission is restricted to one head, that Commissioner will not be a woman. But surely women who are civil-service employees are entitled to have a woman to fight their battles. It seems fair to have a man Commissioner also as well as a woman, and it should be bipartisan to be fair also.

I have received many requests from those working in the Government service to try to keep the Civil Service Commission as it is. I have received suggestions, with which I am in entire accord, that we give the Civil Service Commission more money in order that they may be allowed to function more efficiently. The work of that Commission has increased from 100 to 300 percent from 1932 to 1937, in their major items of work, with a very small increase in pay. These people have worked overtime to the extent of 47,900 hours, and they deserve a great deal of credit. Please give them a larger appropriation and keep them as they are in order that your constituents and my constituents may be protected. Let us keep the civil service a real merit system. Let us not undo the work the civil service has done for 55 years. Do not wreck the civil service.

I hope my amendment will be agreed to. [Applause.]

[Here the gavel fell.]

Mr. MEAD. Mr. Chairman, in view of the fact that we treat with the civil service in a later section of the bill, I can see no reason why the Committee of the Whole should adopt an amendment which has to do with the civil service at this time.

Mr. TABER. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from New York.

Mr. TABER. Is it not a fact if we do not put this in here the entire civil service set-up can be changed just as the President pleases after the whole bill is passed?

Mr. MEAD. No.

Mr. TABER. There was a provision in reference to the General Accounting Office so that they could not be changed

around. But there is no provision with reference to the civil service.

Mr. MEAD. Mr. Chairman, as I said before, we treat the civil service in a later section of the bill. The President nor any one else will be able to, in any way, amend the language of that section after we are through with it here on the floor.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Massachusetts.

The amendment was rejected.

Mr. CROSSER. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CROSSER to the amendment offered by Mr. COCHRAN: Insert after the words "General Accounting Office" the words "Mediation Board and Railroad Retirement Board."

Mr. CROSSER. Mr. Chairman, these two statutory children, the Mediation Board and the Railroad Retirement Board included in this amendment, were born but yesterday, so to speak, and surely we should not even consider wiping them out of existence, as would be possible under paragraph 3 of section 403 of the proposed law as shown on page 16 of the committee report. I merely desire to have you consider whether or not you wish to make it possible, by the signing of an order, to wipe out of existence these two agencies which were established by Congress only 2 and 4 years ago, respectively, after long and serious effort to have them established by Congress.

If such an order were issued by the President the Retirement Board and the Mediation Board could only be reestablished after another long and laborious effort on the part of those who believe in them.

Mr. WARREN. Mr. Chairman, I call the attention of the Committee to the fact the railroad brotherhoods in a statement made the latter part of last week strongly endorsed this bill as it is, and are not asking for an exemption. The President has already stated he did not intend to touch these agencies in any way, and the brotherhoods are wholly satisfied with the bill as it is.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. CROSSER) there were—ayes 27, noes 61.

Mr. CROSSER. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. ANDERSON of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Missouri to the amendment offered by Mr. COCHRAN: On page 45, lines 10 and 11, strike out the words "the protection of the consumer."

Mr. ANDERSON of Missouri. Mr. Chairman, I have voted all along with the committee, but the provisions of this section are so broad as to regulate everything and anything from the pace of a snail to the way my 5-year-old boy parts his hair.

All of us here know there is a decided business recession in this country. The public feels that one of the main causes of this recession is an uncertainty of the activity of Federal boards and bureaus and governmental interference with the normal operation of business.

The purpose of this amendment, Mr. Chairman, is to prevent this fear from mounting and to prove to the people of our country that this House, in the least, has not lost its equilibrium, and will not approve or condone any further activity which will add to the general unrest existing in the Nation today.

By this amendment, Mr. Chairman, I seek to strike from the bill that broad and general phrase, "the protection of the consumer." In my opinion, this would enable the Secretary of Welfare, even by a conservative interpretation, to take under his protective wing everything and everybody—the birds and the bees—doctor, lawyer, and merchant.

It means simply this, that the Secretary of Welfare, or his assistants or subordinates, under the provision of the term "protection of the consumer," can regulate, investigate, persecute, and coerce, or whatever he may desire, for any cause whatsoever, the corner groceryman in my little village—because the Secretary does not like the way he decorates his window on Christmas or perhaps because he may have offended one of the Federal bureaucrats.

Mr. Chairman, those five little words in this section which I seek to strike give the Secretary of Welfare more power, jurisdiction, and authority over the American people than all the N. R. A.'s, N. L. R. B.'s, A. A. A.'s, and all the others combined.

It is directly opposed to the principle of democratic government.

There is more power wrapped in those innocent-appearing little words than was needed to create the famous OGPU of the Soviet or the strong-arm secret police of nazi-ism.

Under the provisions of this section, as it is now written, Mr. Chairman, no business, regardless of how small it is, can be free from interference, investigation, and intimidation of this new Federal bureaucracy.

Every small business is looking to you, his duly elected Representative, to protect him from this obnoxious un-American provision, which will cause only further unrest among all business of our country, whether small or large.

This provision, unless this amendment is adopted, can result in a greater organization of offensive snoopers than were permitted by the Volstead law of the National Prohibition Act.

I urge the membership of this House to pass this amendment and not add more fears to the troubled waters of American business.

Mr. WARREN. Mr. Chairman, I call the attention of the gentleman to the fact that Congress has already in days past created three consumers' counsels in different agencies of the Government. Why should they not be coordinated into one?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. ANDERSON].

The question was taken; and on a division (demanded by Mr. ANDERSON of Missouri) there were—ayes 21, noes 63. So the amendment was rejected.

Mr. MURDOCK of Arizona. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURDOCK of Arizona to the amendment offered by Mr. COCHRAN: On page 43, line 24, after the word "office" insert "the Bureau of Reclamation."

Mr. MURDOCK of Arizona. Mr. Chairman, the hour is so late, the Members are so worn out with this long debate, and the time limit is so short, I hesitate to offer this amendment. I do so only because of the importance of this work and for the purpose of calling attention to the fact that of all the agencies of government that have been performing effectively for a third of a century, the Bureau of Reclamation is outstanding. I will put it alongside of the Forest Service or any other agency you may mention. This is a service which requires the highest type of engineering skill and one in which rapid shift of personnel or plans would create great havoc. This Bureau requires not only engineering skill but continuity of policy and a long-range, forward-looking policy.

I hope we may continue to carry out the work of the past generation throughout the great West and safeguard it by seeing to it that violent hands are never laid upon this efficient Bureau of the Government. The West still beckons to the youth of our land and the words of Horace Greeley are still pertinent. The wisdom of Greeley's advice depends largely upon the continued functioning of our Reclamation Service with ever-increasing effectiveness.

The CHAIRMAN. The question is on the amendment of the gentleman from Arizona [Mr. MURDOCK].

The amendment was rejected.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The committee amendment was agreed to.

The Clerk read as follows:

TITLE II—ADMINISTRATIVE ASSISTANTS

SEC. 201. The President is authorized to appoint not to exceed six administrative assistants and to fix the compensation of each at the rate of not more than \$10,000 per annum. Each such administrative assistant shall perform such duties as the President may prescribe.

Mr. WARREN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McCORMACK, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee, having had under consideration the bill S. 3331, had come to no resolution thereon.

AMENDMENT OF ADMINISTRATIVE PROVISIONS OF TARIFF ACT OF 1930

Mr. CULLEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8099) to amend certain administrative provisions of the Tariff Act of 1930 and for other purposes, with Senate amendments, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none and appoints the following conferees:

Messrs. CULLEN, SANDERS, McCORMACK, KNUTSON, and REED of New York.

EXTENSION OF REMARKS

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record by including therein a speech I made over the radio last evening.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CONNERY. Mr. Speaker, I ask unanimous consent that on Monday next, following the disposition of the business on the Speaker's table and the legislative program of the day and any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. HOLMES and Mr. HILDEBRANDT asked and were given permission to revise and extend their own remarks in the Record.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein a radio address delivered by Postmaster General Farley on National Air Mail Week.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 7448. An act to provide for experimental air-mail services to further develop safety, efficiency, and economy, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 112. An act for the relief of O. W. Waddle;

S. 283. An act for the relief of Mrs. J. H. McClary;

S. 2022. An act for the relief of Lt. V. Balletto, and others;

S. 2091. An act for the relief of Ada Saul, Steve Dolack, the estate of Anthony Dolack, and Marie McDonald;

S. 2138. An act for the relief of Nelson W. Apple, George Marsh, and Camille Carmignani;

S. 2261. An act for the relief of Scott Hart;

S. 2378. An act for the relief of Sam Green;

S. 2427. An act for the relief of the estates of Al Cochran, Willis Cochran, and Russell Cochran, and for the relief of Shirley Cochran and Matilda Cochran; and

S. 3130. An act for the relief of W. O. West.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 7836. An act to amend the Agricultural Adjustment Act, as amended, by including hops as a commodity to which orders under such act are applicable; and

H. R. 9605. An act to provide for a commissioned strength of 14,659 for the Regular Army.

ADJOURNMENT

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 45 minutes p. m.) the House adjourned until tomorrow, Friday, April 8, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON NAVAL AFFAIRS

There will be a meeting of the full open Committee, Naval Affairs, at 10 a. m. Friday, April 8, 1938; continuation of consideration of H. R. 9315, to regulate the distribution, promotion, and retirement of officers of the line of the Navy, and for other purposes.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of Mr. MALONEY's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Friday, April 8, 1938. Business to be considered: Continuation of hearings on S. 1261—through rates.

There will be a meeting of Mr. EICHER's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Monday, April 11, 1938. Business to be considered: Hearings on S. 3255, a bill to regulate over-the-counter marketing.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 12, 1938. Business to be considered: Hearing on H. R. 9047—control of venereal diseases, and other kindred bills.

COMMITTEE ON FLOOD CONTROL

Set forth below are dates, times of meetings, subjects of hearings, and parties to be heard with respect to a number of hearings scheduled before the Flood Control Committee:

The Committee on Flood Control will continue hearings on Friday, April 8, 1938, at 10 a. m. Local representatives of the Los Angeles area will be heard.

The Committee on Flood Control will continue hearings on Saturday, April 9, 1938, at 10 a. m. Local representatives of other drainage-basin areas will be heard.

The Committee on Flood Control will continue hearings on Monday, April 11, 1938, at 10 a. m. Local representatives of the Red River and tributaries will be heard.

The Committee on Flood Control will continue hearings on Tuesday, April 12, 1938, at 10 a. m. Local representatives of the Arkansas River and tributaries will be heard.

The Committee on Flood Control will continue hearings on Wednesday, April 13, 1938, at 10 a. m. Local representatives of the White River and tributaries will be heard.

The Committee on Flood Control will continue hearings on Thursday, April 14, 1938, at 10 a. m. Local representatives of the Missouri River and tributaries will be heard.

The Committee on Flood Control will continue hearings on Friday, April 15, 1938, at 10 a. m. Local representatives of the lower Mississippi River and other tributaries will be heard.

The Committee on Flood Control will continue hearings on Saturday, April 16, 1938, at 10 a. m. Local representatives of the lower Mississippi River and other tributaries will be heard.

The Committee on Flood Control will continue hearings on Monday, April 18, 1938, at 10 a. m. Senators and Members of Congress will be heard.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Merchant Marine and Fisheries Committee will hold hearings at 10 a. m. in room 219, House Office Building, on the following bills on the dates indicated:

Tuesday, April 12, 1938:

H. R. 6797. To provide for the establishment, operation, and maintenance of one or more fish-cultural stations in each of the States of Oregon, Washington, and Idaho.

H. R. 8956. To provide for the conservation of the fishery resources of the Columbia River; establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho, and for the conduct of necessary investigations, surveys, stream improvements, and stocking operations for these purposes.

S. 2307. To provide for the conservation of the fishery resources of the Columbia River, establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho, and for the conduct of necessary investigations, surveys, stream improvements, and stocking operations for these purposes.

Thursday, April 14, 1938:

H. R. 8533. To amend section 4370 of the Revised Statutes of the United States (U. S. C., 1934 ed., title 46, sec. 316).

Tuesday, April 19, 1938:

H. R. 5629. To exempt motorboats less than 21 feet in length not carrying passengers for hire from the act of June 9, 1910, regulating the equipment of motorboats.

H. R. 7089. To require examinations for issuance of motorboat operator's license.

H. R. 8839. To amend laws for preventing collisions of vessels, to regulate equipment of motorboats on the navigable waters of the United States, to regulate inspection and manning of certain motorboats which are not used exclusively for pleasure and those which are not engaged exclusively in the fisheries on inland waters of the United States, and for other purposes.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 8165. A bill to add certain lands to the Trinity National Forest, Calif.; with amendment (Rept. No. 2102). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL: Committee on the Public Lands. H. R. 9523. A bill to add certain lands to the Ochoco National Forest, Ore.; with amendment (Rept. No. 2103). Referred to the Committee of the Whole House on the state of the Union.

Mr. FADDIS: Committee on Military Affairs. H. R. 9721. A bill authorizing the disbursement of funds appropriated for compensation of help for care of material, animals, armament, and equipment in the hands of the National Guard of the several States, Territories, and the District of Columbia, and for other purposes; without amendment (Rept. No. 2104). Referred to the Committee of the Whole House on the state of the Union.

Mr. NICHOLS: Committee on the District of Columbia. H. R. 10066. A bill to amend the District of Columbia Revenue Act of 1937, and for other purposes; with amendment (Rept. No. 2105). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Minnesota: A bill (H. R. 10185) to provide for the creation, promotion, stimulation, and main-

tenance of employment, the reduction of unemployment, the restoration of purchasing power, the encouragement of long-range planning in the field of public works, and otherwise to promote the general welfare through Federal cooperation in the construction and undertaking of useful Federal and non-Federal projects and public works; to the Committee on Ways and Means.

Also, a bill (H. R. 10186) making appropriations for the purpose of financing the construction and undertaking of useful Federal and non-Federal projects and public works as authorized, defined, and provided in the Public Works Act of 1938 and for carrying out in all other ways which may be necessary the intentions, purposes, and provisions of said act; to the Committee on Appropriations.

By Mr. KING: A bill (H. R. 10187) to make effective in the District Court for the Territory of Hawaii rules promulgated by the Supreme Court of the United States governing pleading, practice, and procedure in the district courts of the United States; to the Committee on the Territories.

By Mr. MARTIN of Massachusetts: A bill (H. R. 10188) to amend section 2 of the act entitled "An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes," approved March 3, 1927; to the Committee on Pensions.

By Mr. MAY (by request): A bill (H. R. 10189) to provide more effectively for the national defense by increasing the authorized enlisted strength of the Air Corps of the Regular Army; to the Committee on Military Affairs.

Also (by request), a bill (H. R. 10190) to equalize certain allowances for quarters and subsistence of enlisted men of the Coast Guard with those of the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

By Mr. TEIGAN: A bill (H. R. 10191) to empower the Reconstruction Finance Corporation to make business loans based on the personal character of the borrower, to prevent discrimination against banks not in the Federal Reserve System, and for other purposes; to the Committee on Banking and Currency.

By Mr. CARTER: A bill (H. R. 10192) authorizing additional negotiations leading to the construction, maintenance, operation, administration, and defense of an interoceanic canal over Nicaraguan territory, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MAY (by request): A bill (H. R. 10193) to authorize the President, when the public interest renders such a course advisable, to detail any civilian employee of the United States Government to temporary duty with the government of any American Republic or the Commonwealth of the Philippine Islands, and for other purposes; to the Committee on Military Affairs.

By Mr. COFFEE of Washington: Resolution (H. Res. 459) authorizing the payment of mileage for one clerk to each Representative and Delegate in Congress during the third session of the Seventy-fifth Congress; to the Committee on Accounts.

By Mr. EICHER: Joint resolution (H. J. Res. 641) authorizing the President to call a conference on international law; to the Committee on Foreign Affairs.

By Mr. COFFEE of Washington: Joint resolution (H. J. Res. 642) to provide for a survey of the narcotic-drug conditions in the United States by the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIGELOW: A bill (H. R. 10194) for the relief of Betty Jean Dolan, a minor; to the Committee on Claims.

By Mr. BULWINKLE: A bill (H. R. 10195) for the relief of Baxter Cleveland Putnam; to the Committee on Naval Affairs.

By Mr. BURDICK: A bill (H. R. 10196) for the relief of John Haslam; to the Committee on Claims.

By Mr. FLANNERY: A bill (H. R. 10197) for the relief of Earl B. Correll; to the Committee on Military Affairs.

Also, a bill (H. R. 10198) for the relief of David Guiney; to the Committee on Military Affairs.

By Mr. LUCE: A bill (H. R. 10199) for the relief of Alceo Govoni; to the Committee on Claims.

By Mr. McGRANERY: A bill (H. R. 10200) for the relief of Clarence D. Holland, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. McGRATH: A bill (H. R. 10201) for the relief of W. M. Ziegler; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4771. By Mr. BEITER: Petition of Erie County Industrial Union Council, Buffalo, N. Y., urging Congress to appropriate \$3,000,000,000 for Works Progress Administration for the next fiscal year; to the Committee on Appropriations.

4772. Also, petition of the New York State Assembly, opposing the enactment of the Parsons bill (H. R. 8327); to the Committee on Rivers and Harbors.

4773. Also, petition of Mr. C. H. Hoffman, secretary of the Genesee-Pine Hill Businessmen's Association of Buffalo, N. Y., opposing the enactment of the Parsons bill (H. R. 8327); to the Committee on Rivers and Harbors.

4774. By Mr. COFFEE of Washington: Resolution of the Ladies' Auxiliary, No. 26, of the I. W. A., of Sultan, Wash., Hazel I. Booth, secretary, endorsing the Coffee fine arts bill (H. R. 9102), and urging its enactment by the Congress; to the Committee on Education.

4775. Also, resolutions of Ladies' Auxiliary, No. 26, of Sultan, Wash., Hazel I. Booth, secretary, opposing the Hill-Sheppard bill and its iniquitous successor, the May bill; condemning the conduct of certain Tory Senators in filibustering against the antilynching bill; demanding the adoption of House Joint Resolution 527, the O'Connell peace bill, distinguishing between aggressors and victims; and urging enactment of House bill 4199 into law immediately; to the Committee on Military Affairs.

4776. Also, resolution of the Tacoma Labor Union Relief Council, of Tacoma, Wash., urging enactment of the Coffee fine arts bill (H. R. 9102); urging enactment of House bill 4199, the General Welfare Act, into law immediately; to the Committee on Education.

4777. By Mr. CULKIN: Petition of the board of managers of the Sons of the Revolution in the State of New York, L. Livingston Sands, New York City, secretary, urging dangerous provisions of the reorganization bill be not enacted into law; to the Committee on Government Organization.

4778. Also, petition of the Monday Luncheon Club, Massena, N. Y., E. B. Fassel, president, protesting against any reduction in the tariff on aluminum as is possible in the trade agreement with Canada now pending; to the Committee on Interstate and Foreign Commerce.

4779. Also, petition of the Lions Club, of Massena, N. Y., protesting against any reduction in the tariff on aluminum as is possible in the trade agreement with Canada now pending; to the Committee on Interstate and Foreign Commerce.

4780. Also, petition of the Loggia Litalia Unita, No. 723, Sons of Italy Grand Lodge, Inc., Rocco Creazzo, president, Massena, N. Y., protesting against any reduction in the tariff on aluminum as is possible in the trade agreement with Canada now pending; to the Committee on Interstate and Foreign Commerce.

4781. Also, petition of the Chamber of Commerce, George F. Burrows, secretary, Rome, N. Y., urging that the reorganization bill be recommended for further study and amendment; to the Committee on Government Organization.

4782. By Mr. LAMNECK: Petition of the National Warm Air Heating and Air Conditioning Association of Columbus, Ohio, urging the Congress of the United States to enact legislation effective to control, limit, or prohibit the export of iron and steel scrap; to the Committee on Foreign Affairs.

4783. By Mr. PFEIFER: Petition of the New York Association for the Blind, New York City, urging the passage of

Senate bill 2819; to the Committee on Expenditures in the Executive Departments.

4784. By Mr. SANDERS: Petition of E. W. Boatman and other citizens of Panola County, Tex., requesting immediate passage of legislation making it a felony to sell, offer for sale, buy, pack, load, ship, or transport for interstate commerce any fresh tomatoes which do not grade U. S. No. 2 or better, and the provision of penalty therefor; to the Committee on Interstate and Foreign Commerce.

SENATE

FRIDAY, APRIL 8, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, April 7, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Dieterich	King	Pittman
Austin	Donahay	La Follette	Pope
Bailey	Duffy	Lee	Radcliffe
Bankhead	Ellender	Lodge	Reames
Barkley	Frazier	Logan	Reynolds
Berry	George	Lonergan	Russell
Bilbo	Gerry	Lundeen	Schwartz
Bone	Gibson	McAdoo	Sheppard
Borah	Gillette	McCarran	Shipstead
Bridges	Glass	McGill	Smathers
Brown, Mich.	Green	McKellar	Thomas, Okla.
Bulkley	Hale	McNary	Thomas, Utah
Bulow	Harrison	Maloney	Townsend
Burke	Hatch	Miller	Truman
Byrd	Hayden	Milton	Tydings
Byrnes	Herring	Minton	Vandenberg
Capper	Hill	Murray	Van Nuys
Caraway	Hitchcock	Neely	Wagner
Clark	Holt	Norris	Walsh
Connally	Hughes	Nye	Wheeler
Copeland	Johnson, Calif.	O'Mahoney	White
Davis	Johnson, Colo.	Overton	

Mr. MINTON. I announce that the Senator from Florida [Mr. ANDREWS] and the Senator from Washington [Mr. SCHWELLENBACH] are absent because of illness.

The Senator from South Carolina [Mr. SMITH] is detained on official business in his State.

The Senator from Colorado [Mr. ADAMS], the Senator from New Hampshire [Mr. BROWN], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from Florida [Mr. PEPPER] are detained on important public business.

The Senator from Illinois [Mr. LEWIS] is unavoidably detained.

The Senator from Pennsylvania [Mr. GUFFEY] is absent, as a member of the Delaware Valley Tercentenary Commission, attending the celebration of the three hundredth anniversary of the landing of the Swedes in the United States.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

Mr. WALSH presented a paper in the nature of a memorial from John Kumpa, of Massachusetts, remonstrating against certain alleged acts of Poland directed against the independence and territorial integrity of Lithuania, which was referred to the Committee on Foreign Relations.

Mr. TYDINGS presented a petition of sundry citizens of Baltimore, Md., praying for the continuation of strict immigration laws, which was referred to the Committee on Immigration.

Mr. COPELAND presented a resolution adopted by Major Joseph E. Hurley Post, No. 1183, American Legion, New